

# COBBETT'S WEEKLY POLITICAL REGISTER.

VOL. XVII. No. 4.] LONDON, SATURDAY, JANUARY 27, 1810. [Price 1s.

"Many public Officers and Accountants have raised *great Estates* to themselves, at the expence of the Public, when it is evident they have had no lawful means to attain them: and several persons, whose duty it was to *hinder* such Exorbitancies, measuring their requests rather by their own avarice than by their merit, have obtained for themselves Grants to such a value, as in foregoing Reigns have been esteemed large Supplies towards great and public services: which has been another great cause of the *Debt* that lies upon the nation. This general mismanagement of the public affairs did actually spread itself over the whole kingdom, and seems to be owing to a disposition of Offices and Places, where men were rather chosen for their inclinations to serve a *Party*, than for their qualifications to serve the Public. And these men being conscious to themselves of the many *Frauds and Offences* committed against the Public, have no other hopes to shelter themselves from Justice, THAN BY TAKING AWAY THE REPUTATION OF THOSE WHO DESIRE TO DO RIGHT TO THEIR COUNTRY BY DETECTING THEIR INIQUITIES; and being UNITED IN GUILT AND INTEREST, they endeavour to amuse and impose upon those, whose posterity, we have too much reason to fear, will groan under the sad effects of the wickedness of the one, and the too great credulity of the other. We cheerfully depend upon your Majesty's wisdom, that all our Grievances, by your grace and favour, will, in due time, be redressed and removed, by PUNISHING those, who have been the cause of them, and by entrusting none in the administration of public affairs, who, for their own private advantage, have manifestly contributed to the calamity of their Country."—ADDRESS OF THE HOUSE OF COMMONS TO QUEEN ANNE, in 1702.

97]

[98

## SUMMARY OF POLITICS.

PECULATION.—Is it possible to read the Motto to this Number, without making a comparison between the House of Commons in the reign of QUEEN ANNE and those in this Jubilee Reign? When have we, during this reign, heard such language from a House of Commons; and, shall we ever hear it again?—This language was addressed to Queen Anne the first hour, as it were, of her coming to the throne; and the consequence of it was a reform in every department of the public expenditure; but, the Dutch King had contracted the *Debt*, the all-enchaining and all-corrupting Debt; that curse remained, and it has gone on increasing in mischievous effects, as well as in its amount, until the nation is in that state, which the original opponents of the Debt foretold that it would be.—

But, if in the reign of William III. Peculators bought estates with the public money; if this was, at that time, a subject of complaint, what would the same House of Commons have said, if they had existed at this day, when a sum equal to the whole of the taxes raised, in the reign of Queen Anne, annually, would scarcely supply the annual amount of waste?—In this Address of the House of Commons to Queen Anne, there is a passage, whence the reader of the present day will clearly perceive, that Public Robbers have always played the same tricks, and especially the trick of calumniating, in all manner of ways, those persons, who have endeavoured to detect

their villainies. "These men," said that truly Honourable House of Commons, "These men, being conscious to themselves of the many frauds and offences, committed against the public, have NO OTHER HOPES TO SHELTER THEMSELVES FROM JUSTICE, THAN BY TAKING AWAY THE REPUTATION OF THOSE WHO DESIRE TO DO RIGHT TO THEIR COUNTRY BY DETECTING THEIR INIQUITIES."—Reader, need I point out to you the recent cases, wherein the conduct of the Public Robbers of King William's reign has been so happily imitated? I had not this Address in my mind, nor do I know that I had ever read it, when, last summer, I observed, with respect to the garbled documents and other publications respecting ME, that, in blasting the reputation of those who endeavoured to expose them, consisted the only hope of the Public Robbers "to shelter themselves from justice." I gave this sentiment to the reader in almost the very words, in which it had been expressed to Queen Anne a hundred and seven years before by a House of Commons famed for its wisdom and its integrity.—It is of the greatest possible importance, that the public, that the people in general, should bear this sentiment in mind; and should be constantly upon their guard against the various arts, which are, and which always will be, made use of by the Public Robbers, for the purpose of destroying the reputation of those who have the spirit



to expose their robberies. "Being," said that wise and virtuous House of Commons; "Being UNITED IN GUILT AND INTEREST, they endeavour to amuse and impose upon those, whose posterity, we have too much reason to fear, will GROAN UNDER the sad effects of the wickedness of the one, and the credulity of the other."—Alas! how fully has this fearful prediction been realized! We do, indeed, groan, literally groan, under the burdens, which have grown out of that system of peculation, of the first rise of which this House of Commons complained; and, let us always bear in mind, that this terrible system never could have got to any head, had not the people been credulous enough to listen to the calumnies, which the speculators propagated against the enemies of peculation. "United in guilt, and interest, they endeavour to amuse, and impose upon the people." Just as they do now. Exactly as they do now. Only now, the times are such, that the longer success of such endeavours must inevitably sink this nation into a state, not of what is commonly called ruin, but of actual submission to a foreign yoke. The people have, in fact, been their own undoers, not intentionally, to be sure, but still they must take a great share of the blame to themselves. They have been the instruments, the tools, in the hands of others; but, it must be confessed, that, in but too many instances, they have been the willing instruments. There can be no doubt, in the mind of any rational man, that the City of London; that the tameness of that City; that its having been made a mere instrument in the hands of the minister of the day: there can be no doubt, that this City, thus made use of, has been a principal cause of the present dangers of the kingdom. The people of the City of London were amused and imposed upon; they were persuaded to believe, that "all those who desired to do right to their country" were jacobins, levellers, republicans, rebels, traitors, sansculottes; no matter by what, or by how many names, those persons were called; the people of the City of London were persuaded to believe, that all such persons were enemies of their country; that any man with frauds and impostures against the public; why, what else could he be? you? "You are a jacobin and leveller, and you will overturn all order and government." Such was the answer, which, for many years, was received by that truly credulous

cellent man, Mr. WAITHMAN, who has lived to see arrive all, yea all, the national calamities that he, from time to time, predicted, and many others, which neither he nor any other man could have possibly imagined. For many years, Mr. WAITHMAN was called a jacobin and leveller; he was so called because he made a motion to address the king for an inquiry into the shameful failure at the Helder. Nay, as often as he rose his voice against any act of folly or corruption, or national mismanagement of any sort, so often was he called a jacobin and leveller.—What was the natural consequence of this cry, to join in which a great majority of the City were persuaded? what was to be expected from this? Not, perhaps, that Mr. Waithman would give the thing up; that he would retire to his home in disgust, and abandon his country to its fate: this, perhaps, was not to be expected: but, it was to be expected, that many many others, though entertaining the same sentiments as Mr. Waithman, but having less political courage, would be deterred from coming forward. There are very few men, who have the courage to meet such a host of slanderers as were set to work upon Mr. Waithman. The mere time and labour of giving a simple negative to each of their downright LIES are more than any man has at his command. If, during three months of the last year, I had written only a simple assertion, in contradiction to every LIE that was, during that time, published against me, it would have taken up the whole of my time. No wonder, therefore, that men, in general, should be afraid of exposing themselves to such a swarm of calumniators!—The wretches, who are employed for this purpose, are afraid of no consequences; they have nothing to apprehend; they themselves have no character to lose; from the nature of their office, they must be destitute of all sense of honour and of shame; and, generally, their associates are of the very worst description of men and women. But, while they are, from these causes, quite fearless and callous, the world do not know, and cannot know, that such is the case. Whatever gets into print carries some degree of credit with it; and, it is next to impossible, that, by some part of the people composing a whole nation, the calumnies, though pure inventions of such wretches as I have described, should not produce for truths, and should not produce, at least, some effect, upon the minds of a



part of the people; and, as no good man, no man of proper sentiments, can, without pain, know, that he is looked upon, by a considerable part of his countrymen, as being a villain; so, there are very few men indeed, especially if they have families whose feelings also are to be consulted, who can muster up the courage to expose themselves to the torrents of lies, which are sure to be poured out against them, the moment they openly declare themselves the enemies of public robbery. For my own part, I have now been so long used to bear the calumnies of these miserable wretches, and am so happy in the conscious innocence, good sense, and fortitude of those, whose uneasiness under a participation in such calumnies could not fail deeply to affect me, that I care nothing at all about any thing that is said against me, through such channels. I know, that there is a certain part of the people, who believe that I am what the advocates of the Public Robbers describe me to be. Very many there are, who, from a refinement in baseness, only affect to believe it; who know better, but, who are very desirous that others should continue in error. But, after all, I know, that there are, and that there must be, a great number of people, who do sincerely believe, that I am what the advocates of the Robbers describe me to be. Well; I cannot help this. It is no fault of mine. I know, that the greater part of well-informed people are perfectly convinced, that all that has been said against me by these knaves is false. And, then, I have always perceived, that one effect of such abominable falsehoods being published against me is, to create inquiry, personal inquiry, into my character, and my conduct in private life; and, such inquiry has produced a wonderful impression in my favour. Another effect of the calumnies against me has been to bind my friends more firmly to me. They, at any rate, well know how false and how malicious are the charges alledged against me by the advocates of the Robbers: they must, of course, feel indignation at those charges; and the effect of that indignation is an increase of attachment to me. So that, upon the whole, if one can but bring one's mind to be tranquil under the knowledge, that one is thought ill of by a considerable part of one's country-men, one gets nearly as much as one loses by the calumnies. But, how few men are there in this, or in any country, who can be brought to view

the matter in this light! In this light, however, a man must view it, and upon these principles must he act, or, as to any hostile movement against corruption, or public robbery, he had better remain quiet. It is, as we see by this Address to Queen Anne, the lot of him "*who desires to do right to his country,*" to have his "*reputation taken away,*" if possible, by those, who, out of the public raise great estates to themselves; by those who have raised great estates, when, it is evident, they have had no lawful means to attain them; by those, who, being united in guilt and interest, endeavour to amuse and impose upon the people. This, we see, is the lot, the inevitable fate of that man, be he who he may, that "*desires to do right to his country.*"—When I first cast my eye upon the passage, "*being united in guilt and interest, &c. &c.*" I could not help thinking of the she-peculators and robbers, who as they came down into this county, last summer, tossed the forged documents and base calumnies against me down in the streets of the towns and villages, through which they passed. "*United in guilt and interest;*" haunted by the double dread of *punishment* and *poverty*; such were the wretches, who published and circulated against me the calumnies of last summer; and such are the wretches, who are now, by all the arts that craft and malice, can devise, endeavouring to take away the reputation of Mr. Wardle.—To return a little to the Address (which is a document well worth our attention at this moment;) we see, that the House of Commons spoke out plainly about the Estates that men had acquired, without having had *visible lawful means of attaining those estates*; and to be sure, nothing can be more just, or more reasonable, than that, when you see a public officer or accountant rearing great estates, without having visible lawful means, you should inquire how he came by such estates. Is there any gentleman, who should see his steward purchasing estate upon estate, and who knew, at the same time, that the steward had no means of his own wherewith to make such purchases; is there any gentleman, so circumstanced, who would not instantly set on foot an inquiry as to the source of the funds employed in purchasing the said estates? The answer is ready: There is no gentleman, not a downright fool, or a careless prodigal, who would not set on foot such inquiry. If a poor girl be



seen with a gown or a pair of shoes finer than she can be expected to have bought with her own means, and at the same time, with a gold watch, or some other trinket, she is carried before a justice of the peace to give an account of the means by which those fineries got into her possession. And, why, let me ask, is not a public officer, or accountant, to be made to give an account of the means by which his estates have been so suddenly attained?

—Well, but how were sentiments, such as these, relished by QUEEN ANNE? What did she say to a parliament that held such language to her? Did she give an answer discovering a partiality for the Public Robbers, of whom the House of Commons complained? Did she shew, that she loved such vermin? or did she shew, that she hated them?—She said: “I shall consider the several particulars of your Address, and *always have great regard to the representations of the House of Commons, and to the true interests of England.*” And she was as good as her word; for she, with *sincerity*, set to work to reform abuses, to punish speculators, and to set, in her own manners and conduct, an example of moral virtue, and of economy without loss of dignity. Out of her own revenue she voluntarily gave large sums, in order to make up for the falling off of the public revenue; and, in her Speech at the conclusion of the first Session of Parliament, held in her reign, the war having then begun: “I must not conclude,” said she, “without acquainting you, I have given directions, that *my part of all the Prizes, which have been, or shall be, taken during the war, be applied entirely to the public service*; and, I hope my own revenue will not fall so short, but that I may be able, as I desire, to contribute yet further to the ease of my people.”—She *did* all this too. These were not *empty professions*; and, it has, with great truth, been observed, that her *honest and fair dealing* towards her people, was one of the greatest glories of her glorious reign. She was no *hypocrite*; her heart was truly English; and, during her reign England attained a height, from which, I have always thought, she has since been sinking. Never can she rise again, unless there be a House of Commons to act upon the principles expressed in the Address, part of which I have taken for my motto, unless there be a House of Commons, who will act a faithful part towards the people, and *punish*, really punish, all those who

shall be found to have committed frauds upon the public purse, no matter in what way it may have been done.

PARLIAMENT.—The Session which opened on Tuesday last, the 23rd instant, has discovered, to those, who believed, or pretended to believe, that the Ministry would be left in a minority, that even *this* ministry can command a majority as well as any other.—The KING’S SPEECH and the ADDRESS, will all be found at the end of these remarks. There is nothing, which, at present, I shall remark upon in the *first*; and the *second* is, as usual, a mere echo of the first. The Amendment was as follows: After the word “*That*,” in the second paragraph of the speech, to insert these words:—“That we have seen “with the utmost sorrow and indignation “the accumulated failures and disasters “of the last campaign, the unavailing “waste of our national resources, and the “loss of so many thousands of our brave “troops, whose distinguished and heroic “valour has been unprofitably sacrificed “in enterprizes, productive not of advantage, but of lasting injury to their country—Enterprizes marked only by a repetition of former errors, tardy and “uncombined, incapable in their success “of aiding our Ally in the critical moment of his fate, but exposing in their “failure his Majesty’s Councils to the “scorn and derision of the enemy.— “That we therefore feel ourselves bound, “with a view to the only atonement that “now can be made to an injured people, “to institute, without delay, such rigorous “and effectual inquiries and proceedings “as duty impels us to adopt, in a case “where our country has been subjected to “unexampled calamity and disgrace.” This is very good; exceedingly proper; nothing could be more true; but, for all that, there were, in the House of Lords, only 92 for it, while there were 144 against it; and, in the Commons, there were only 167 for it, while there were 263 against it; leaving the ministers a majority of 52 in one House and of 96 in the other.—Well, then, MR. WINDHAM, what do you now think? You still think, of course, that there needs *no reform of the parliament*; but, pray, admit, then, *that the ministers are right*; or, at least, that the nation, through its competent representatives, think the ministers right.—The Anti-Reformists, who were for this Amendment, must now be strangely puzzled. I give them joy, with all my heart, of this



decision *against inquiry*, and, in order to console them, I beg leave just to remind them of *their vote against inquiry*, in the case of MR. MADOCKS'S MOTION, relative to the seat of MR. QUINTIN DICK, and the censure, which some of them then bestowed, with no sparing hand, upon all those, who were anxious for inquiry upon that subject, a subject of ten thousand times greater importance to the people of England, than the subjects, as to which they now voted *for inquiry*.—As to the present case, however, I can discover no argument at all against the Amendment, and, if objectionable, it was so only upon the ground of its leaving in existence *any part of the original motion*, every word of which, except the first word "that," I would have swept away.—It was said, by some, that the censure, contained in the amendment was *premature*; that it condemned the ministers *unheard*. Why, there they were to be heard; there they were to speak for themselves; there they were to defend themselves. And, besides, is not what is stated in the Amendment *notoriously true*? Is there any one of its assertions, of the truth of which any man in this kingdom has the smallest doubt? And, if this was the case, what occasion was there for any previous steps? What had the Houses to do but to come to a vote upon the subject at once.—I have not time to enter into remarks, at any length, upon the Debate; but, I cannot help taking an extract or two from the speech of the HON. MR. WARD, who seconded the motion for the Amendment, and from the speech of MR. WHITBREAD.—MR. WARD said: "If the Parliament was ever to act, it should act at the present moment: and if it should not act now, he was sure it would not act at all. If that House were to resign its inquisitorial power as to the acts of any set of men, and to renounce the salutary controul which it used to exercise over the Servants of the Crown, it would, he was convinced, be a proof of the decay of parliamentary virtue, and an unerring symptom of the decline of the true spirit of the constitution. It was matter of astonishment, that after such a series of unexampled calamities, his Majesty's Ministers, over the greater number of whom the terrors of impeachment were impending, should dare to remain in office (*Hear! Hear!*). But if Parliament should, without any regard to their past conduct, think proper to give its support to such rulers, or lend

its sanction to such measures, *nothing could more clearly evince that silent but actual and alarming change, which was said to have taken place in the British constitution*: nothing could more indisputably shew the resemblance between the government of this country and those old governments of Europe, which, weighed down by the influence of corruption and *in-becility*, fell successively a certain and easy prey, to the superior wisdom and energies of the power which has enslaved them."—Well, then, Sir, we take you at your word. Parliament has, in its vote of that night, given its support to "such rulers;" nay, it has, by a decided majority, given all the *proofs*, of which you spoke. Well, will you join us, then, Sir? Will you ask for a *reform* of that parliament? I do not recollect having seen your name amongst those of the few members, who, in the last session, voted for a resolution upon that subject. What is to be done then? You say, Sir:—"At this moment the whole power of France, which engrossed the whole means and resources of Europe, was at the command of that great and consummate general and statesman, who contained in himself all the shining qualities of those men, who, at any time, by their talents, rendered France formidable to this country; who united the policy of Richelieu with the military genius of Turenne, and added the inordinate ambition of Louis XIV, to the enterprise and activity of Conde. When they reflected upon all this, they must be sensible of the infatuation of trusting to any thing but the combination of all the ability and wisdom in the nation for a successful resistance to the great and extraordinary power against which we were opposed. In his heart, and without the slightest party feeling or partiality, he looked to the gentlemen below him—(on the Opposition Benches) for that combination of wisdom and experience, which alone could be effectual for the salvation of the country in its present critical circumstances. He was convinced that, in coming into office, they would be influenced by no unworthy motives. They would succeed to shattered means, to exhausted resources, and to unsuccessful armies. They would succeed to dangers and difficulties, which would appal the firmest hearts—dangers and difficulties, which no emoluments of office, or pride of party-victory, could



“adequately or at all compensate. The time was not distant when the last trial would be to be essayed; and he conjured the House not to spurn at its own safety, by omitting to make provision for it in time. Sure, however, he was, that it could never be preserved by a continuance in the same system: that it could not be maintained by a system which was something weaker than inability—by men who offered them *nothing but their ignorance and intolerance.* That House, he was confident, would *never suffer the State to be ruined in such hands*; and if it should be the will of Providence that this empire should fall, he trusted that it would not be left to sink under its own weight, but fall in a manner worthy of its ancient character and power.”—What is to be done, then? The House do like these same ministers. They have voted them to remain in place. What are we to do, then? This is what I want to know from all you, who, at one and the same time, tell us, that the country must be ruined if it remains in the hands of the present ministers, and that a reform of the House of Commons would also ruin the nation. Pray do tell me, then, *what* we are to do? This is what you say: if the House support the present ministers, the nation must be ruined; the House do most decidedly give its support to the present ministers; and, yet you will not join us in asking for a reform of the House. To be sure, such a series of acts never was before a subject of discussion, in any assembly upon earth. Faults and follies of all sorts and sizes, and, arising directly out of these calamities, so extensive, and of so distressing and disgraceful a nature, and foreboding consequences, enough to appal the stoutest heart. Well, here are all these acts, and this state of things, well understood long before the House meets; it is proposed in the House, to *censure* the persons, who have been guilty of these acts; and the House, by a decided majority, say NO to that proposition. But, Sir, if you tell us, that that House stands in no need of reform; if you tell us, that that House is an adequate representative of the people of England, Scotland, and Ireland; if you tell us that that House speaks the voice of the nation, then, Sir, you have no reason to complain, but ought, in silence, to acquiesce in the *decision of the nation.*—Of Mr. WHITBREAD's speech I should like to insert the whole; but must content myself with the

conclusion of it, as reported in *The Times* news-paper.—He said, “He could not help now alluding to the very extraordinary transactions which had taken place in our Cabinet; but before he did so he must notice some expressions of the right hon. gent. (Mr. Canning) which had much delighted him. He had said that in a good cause he would seek the assistance of men of all religions: the Turk and the Christian, the Jew and the Pagan, were to him, politically considered, equal.—No doubt then, now that he and the noble Lord were emancipated from the shackles of bigotry, they would unite with the friends of toleration in support of unlimited religious freedom (*hear, hear!*) He wished particularly to know, why Lord Wellesley delayed so long in this country after his appointment to the Spanish embassy. He was particularly anxious to know this, on account of a paragraph which had appeared in a well known publication, stating that “had it not been for a fit of illness, the noble Marquis would have been long since in Spain.”—Now it was well known, that the right hon. gent. wished to incorporate Lord Wellesley in the government at home, and he had only to hope that this interested feeling did not occasion his Lordship's protracted delay in England, when he should have been fulfilling the functions of his important mission. On this subject he should hereafter demand an explanation from the right hon. gentleman. To Spain, however, at last, the noble Marquis went, and there what were his services? Why, *he went through the mummery of dancing on the French flag!* He did more; he visited the Junta, went through all the routine of etiquette and politics, made a speech about reform, took his glass after dinner, and religiously *toasted the Pope!* (*Hear, hear!*) It was surprising indeed, to see him so soon returning after his *flirtation* with the “*Whore of Babylon,*” at Cadiz! On his return, of course, when the places were going, he came in for his share, and made one of the Administration; an Administration the Members of which could not have been distinguished, had it not been for the motions that day, for the issuing of writs. It was made up indeed, by a kind of political ballot—one gentleman (Mr. Dundas) had gone the entire circumnavigation of office, from the Board of Controul to the Irish Secretaryship! On that day a writ had been moved



"tendering his seat vacant, in consequence  
 "of his receiving a situation which he be-  
 "lieved was not yet in his possession!—  
 "The Right Hon. Gentleman had, how-  
 "ever, at length compiled an adminis-  
 "tration: and, indeed he had fully shewn  
 "that, supported by the favour of the  
 "Court, he felt little fear in stemming the  
 "authority of the people. (*Hear!*) But  
 "how did the Right Hon. Gent. proceed  
 "to form even this Administration? Why,  
 "the very first application he made was  
 "to a dear friend of his, and a Noble Lord  
 "with whose principles he had been at  
 "war all his political life. This tender  
 "was rejected by them in a manner wor-  
 "thy of their dignity, and the rebuff  
 "which they gave the Right Hon. Gen-  
 "tleman would have daunted any man of  
 "less temerity than himself. There was  
 "not a man in the country, from the  
 "Orkneys to the Land's End, who did  
 "not pronounce him and his Administra-  
 "tion weak, incapable, and inefficient.  
 "Even with the addition of the two col-  
 "leagues who had deserted them, they  
 "were feeble, but they then stood on a  
 "principle, or rather in opposition to a  
 "principle; (*hear, hear*) but now rejected  
 "by all who were worthy, the weak and  
 "old, and infirm, were collected from the  
 "hedges and high-roads, and consorted  
 "with for want of better. (*Hear, hear!*)  
 "The motly combination was duly appre-  
 "ciated by the people—no one respected  
 "them—they might now exclaim "The  
 "Church is in danger," but every one  
 "would know they meant "*My Place* is  
 "in danger." (*Hear, hear!*) Now the  
 "time was come when it would be mani-  
 "fested that the people had a voice as well  
 "as the Crown, and would not be imposed  
 "on by a set of adventurers who had  
 "usurped the Government, supported by  
 "nothing but the favour of the Crown.—  
 "(*Hear!*) Threats had been held out by  
 "the runners of the Government that, as  
 "on a former occasion, a dissolution of  
 "Parliament would be now resorted to.  
 "He believed in his soul Government  
 "dared not realize the threat; but if they  
 "did, it would only leave them ten times  
 "as bad as they were before.—(*Hear,*  
 "*Hear!*) Pompous language as to the flou-  
 "rishing state of our revenue was however  
 "held out. But was it sound at bottom?  
 "Was there a legitimate trade? Was it  
 "not a system, placing (by the requisition  
 "of licences) the merchants under the  
 "controul of Government? Was it not

"rather the chicane of smugglers and pi-  
 "rates, than the fair, liberal commerce  
 "of merchants? (*Hear, Hear!*) But our  
 "Treasury was full." Aye, by the rigo-  
 "rous severity with which the taxes were  
 "collected. Under the system pursued,  
 "the collection of the Property-tax would  
 "soon be in the hands of Government col-  
 "lectors. Indeed the liberty of the sub-  
 "ject was directly struck at by the me-  
 "thod by which the taxes were collected.  
 "He gave it as his sincere advice, let an  
 "economical reform be instituted before  
 "the "last ounce," was exacted, and the  
 "country reduced to despair. Let a Go-  
 "vernment be removed to which the peo-  
 "ple have refused their confidence. Let  
 "our relative situation with the enemy be  
 "well considered. Let the policy of  
 "succouring Spain be also weighed un-  
 "der the existing circumstances: Aus-  
 "tria gone—the French force concen-  
 "trated, and that country their only  
 "object. It was said that we might de-  
 "fend Portugal with 30,000 men: but  
 "would not Buonaparté know our force  
 "even to a drummer, and where we had  
 "30,000 he would have 60,000. Who  
 "would struggle against such fearful odds?  
 "Our remaining some time unmolested in  
 "that country should be no argument for  
 "our continuance there. We remained just  
 "at the will of the French Emperor, and  
 "at his option he could drive us out of it.—  
 "But what could be expected from such  
 "a Ministry, or rather from a single man,  
 "for the Chancellor of the Exchequer was  
 "now alone—alone, after sounding his in-  
 "effectual war-whoop—alone, after fully  
 "exposing his weakness, and shewing it,  
 "exceeded only by his rashness. The  
 "Marquis Wellesley, of whom such ac-  
 "count had been made, he considered com-  
 "pletely insignificant.—Who was he? The  
 "Governor of India—the man who had  
 "scarcely escaped the censure of that  
 "House for his cruel tyranny!—the man  
 "who had assailed the press, the sacred  
 "palladium of the people! the friend of  
 "Despotism—the foe to Liberty. Good  
 "God! could this man say to Buonaparté,  
 "in the noble indignation of insulted vir-  
 "tue, "I have not done as you have."  
 "(*Hear, hear, hear!*) Alas, if *such* a man  
 "had strength, he would indeed be a fear-  
 "ful acquisition to *such* a government; but  
 "he was known, and therefore weak and  
 "harmless (*Hear!*). Peace should be the  
 "cry of the nation. Peace—particularly  
 "because the thralldom of millions of our



"fellow-subjects, was the tenure by which  
 "this incapable Junta held their offices. It  
 "has been said by our enemy, (said Mr. W.)  
 "that the genius of France guided our ar-  
 "mies. Alas! it now presides in our Cabinet;  
 "for surely, whether we consider their ig-  
 "norance, their imbecility, their bigotry,  
 "or the fate with which Providence visits  
 "all their measures, our enemy, had he  
 "the nomination, could not select men  
 "more suitable to his ends, or more per-  
 "nicious to our interests."—Where is  
 the independent and honest man, who  
 does not applaud this speech? This is a  
 speaker for me; one who never minces  
 the matter; but, who, indignant at his  
 country's wrongs, freely expresses his in-  
 dignation.—The *House*, however, you  
 see, did not partake in the sentiments of  
 Mr. Whitbread; and, the *House*, as it  
 now is, never will partake in such sentiments.

WM. COBBETT.

Botley, Jan. 25th, 1810.

## COBBETT'S Parliamentary Debates:

The Twelfth, Thirteenth, and Four-  
 teenth Volumes of the above Work, com-  
 prising the Proceedings in both Houses of  
 Parliament during the last Session, are  
 ready for delivery. Complete sets from  
 the Commencement in the Year 1803,  
 may still be had of the Publishers.

\* \* All Communications for the *Parlia-  
 mentary Debates* will be carefully attended to;  
 but it is particularly requested that they may  
 be transmitted to the Publishers with the least  
 possible delay.

## COBBETT'S COMPLETE COLLECTION OF State Trials:

The FOURTEENTH PART of the above  
 Work will be published on the 1st of  
 February. One Part will appear, with  
 the greatest regularity, on the first of each  
 succeeding month. Subscribers who pur-  
 chase the Work in Quarterly Volumes are  
 respectfully informed that the Fifth Vo-  
 lume will be ready for delivery on the  
 first of March. Of the Two HUNDRED  
 and EIGHT Trials or Proceedings, of  
 which the first five Volumes consist,

NINETY-FIVE never before came into any  
 Collection. The following is a List of the  
 Articles contained in the Fifth Volume:

\* \* The new Matter is marked [N.]

187. The Proceedings, Examination, and Trial of  
 Colonel Eusebius Andrewe, more commonly writ-  
 ten Andrewes, (a Barrister of Gray's Inn), before  
 the High Court of Justice, for High Treason,  
 A. D. 1650.
188. The Trial of Mr. Christopher Love, before  
 the High Court of Justice, for High Treason,  
 A. D. 1651.
189. The Trial of Mr. John Gibbons, before the  
 High Court of Justice, for High Treason, A. D.  
 1651.
190. Proceedings against James Stanley, Earl of  
 Derby, Sir Timothy Fetherstonhaugh, and Cap-  
 tain John Benbow, before a Court Martial, for  
 High Treason, A. D. 1651 [N.]
191. The Trial of Major Richard Faulconer, at  
 the Upper Bench Bar in Westminster-hall, upon  
 an Indictment for Perjury, A. D. 1653.
192. The Case of Captain John Sreater, on an  
 Habeas Corpus, at the Upper Bench in Westmin-  
 ster-hall, A. D. 1653.
193. The Trial of Mr. John Lilburne, at the Ses-  
 sions of the Peace held for the City of London,  
 at Justice-Hall in the Old Bailey, for returning  
 into England, being banished by Act of Parlia-  
 ment, A. D. 1653.
194. Case of the Privileges of Embassadors, being  
 the Proceedings against Don Pantaleon Sa, Bro-  
 ther of the Embassador from the King of Portu-  
 gal to England, for Murder in a Riot in the New  
 Exchange, A. D. 1654 [N.]
195. The Trial of John Gerhard, Peter Vowell,  
 and Somerset Fox, before the High Court of Jus-  
 tice, for High Treason, in conspiring to Murder  
 the Lord Protector, A. D. 1654.
196. Proceedings of the Commissioners, appointed  
 by Oliver Cromwell, for ejecting Scandalous and  
 Insufficient Ministers, against John Pordage, of  
 Bradfield, in the County of Berks, A. D. 1654.
197. Proceedings of the Commissioners, appointed  
 by Oliver Cromwell, for ejecting Scandalous and  
 Ignorant Ministers. In the Case of Walter Bush-  
 nell, Clerk, Vicar of Box, in the County of Wilts,  
 A. D. 1656 [N.]
198. The Trial of the Hon. Colonel John Penrud-  
 dock, at Exon, for High Treason, A. D. 1655.
199. Proceedings of the Lord Protector and his  
 Council against Sir Henry Vane, knt. for the  
 publication of a Book, intitled, "A Healing  
 Question, propounded and resolved, upon oc-  
 casion of the late public and seasonable Call to  
 Humiliation, in order to Love and Union  
 amongst the honest Party," A. D. 1656 [N.]
200. Proceedings in the House of Commons against  
 James Nayler, for Blasphemy, and other Misde-  
 meanors, A. D. 1656.
201. The Trial of Miles Sindercome, alias Fish,  
 before the Lord Chief Justice Glynn, and Mr.  
 Justice Warburton, at the Upper-Bench, West-  
 minster, for High Treason, A. D. 1657.
202. The Trial of Sir Henry Slingsby, knt. before  
 the High Court of Justice, for High Treason,  
 A. D. 1658.
203. The Trial of Dr. John Hewet, before the  
 High Court of Justice, for High Treason, A. D.  
 1658.
204. The Trial of John Mordant, esq. before the



- High Court of Justice, for High Treason, A. D. 1658.
205. The Trials of TWENTY-NINE REGICIDES, at the Old Bailey, for High Treason, which began on the 9th of October, A. D. 1660.
206. Proceedings upon an Impeachment against William Drake, for writing, printing, and publishing a false, wicked, malicious and seditious Pamphlet, entitled, "The Long Parliament revived," A. D. 1660 [N.]
207. Proceedings in Scotland against Archibald Marquis of Argyle, for High Treason, A. D. 1661.
208. Proceedings at a Conference in the Savoy, respecting a Review of the Liturgy, A. D. 1661 [N.]

**KING'S SPEECH.**—*On Tuesday, the 23d of January 1810, the two Houses of Parliament having met, the Session was opened by Commission, when the following Speech was read by the Lord Chancellor:*

"My Lords and Gentlemen,

"His Majesty commands us to express to you his deep regret, that the exertions of the Emperor of Austria against the ambition and violence of France, have proved unavailing, and that his Imperial Majesty has been compelled to abandon the contest, and to conclude a disadvantageous peace. Although the war was undertaken by that monarch without encouragement on the part of his Majesty, every effort was made for the assistance of Austria which his Majesty deemed consistent with the due support of his allies, and with the welfare and interest of his own dominions.—An attack upon the naval armaments and establishments in the Scheldt, afforded at once the prospect of destroying a growing force, which was daily becoming more formidable to the security of this country, and of diverting the exertions of France from the important objects of reinforcing her armies on the Danube, and of controuling the spirit of resistance in the North of Germany. These considerations determined his Majesty to employ his forces in an expedition to the Scheldt.—Although the principal ends of this expedition have not been attained, his Majesty confidently hopes that advantages, materially affecting the security of his Majesty's dominions in the further prosecution of the war, will be found to result from the demolition of the docks and arsenals at Flushing. This important object his Majesty was enabled to accomplish, in consequence of the reduction of the Island of Walcheren, by the valour of his fleets and armies.—His Majesty has given directions that such documents and papers should be laid before you as he trusts will

afford satisfactory information upon the subject of this expedition.—We have it in command to state to you, that his Majesty had uniformly notified to Sweden his Majesty's decided wish, that in determining upon the question of peace or war with France, and other Continental Powers, she should be guided by considerations resulting from her own situation and interests: while his Majesty therefore laments that Sweden should have found it necessary to purchase peace by considerable sacrifices, his Majesty cannot complain that she has concluded it without his Majesty's participation. It is his Majesty's earnest wish that no event may occur to occasion the interruption of those relations of amity which it is the desire of his Majesty and the interest of both countries to preserve.—We have it further in command to communicate to you, that the efforts of his Majesty for the protection of Portugal have been powerfully aided by the confidence which the Prince Regent has reposed in his Majesty, and by the co-operation of the Local Government, and of the people of that country. The expulsion of the French from Portugal, by his Majesty's forces under lieut.-gen. lord viscount Wellington, and the glorious victory obtained by him at Talavera, contributed to check the progress of the French arms in the Peninsula during the late campaign.—His Majesty directs us to state that the Spanish Government, in the name and by the authority of king Ferdinand the Seventh, has determined to assemble the general and extraordinary Cortes of the nation: his Majesty trusts that this measure will give fresh animation and vigour to the councils and the arms of Spain, and successfully direct the energies and spirit of the Spanish people to the maintenance of their legitimate monarchy, and to the ultimate deliverance of their country.—The most important considerations of policy and of good faith require that, as long as this great cause can be maintained with a prospect of success, it should be supported, according to the nature and circumstances of the contest, by the strenuous and continued assistance of the power and resources of his Majesty's dominions; and his Majesty relies on the aid of his Parliament in his anxious endeavours to frustrate the attempts of France against the happiness and freedom of those loyal and resolute nations.—His Majesty commands us to acquaint you, that the intercourse between his Majesty's



minister in America and the government of the United States has been suddenly and unexpectedly interrupted. His Majesty sincerely regrets this event: He has however received the strongest assurances from the American minister resident at this court, that the United States are desirous of maintaining friendly relations between the two countries. This desire will be met by a corresponding disposition on the part of his Majesty.

“Gentlemen of the House of Commons,

“His Majesty has directed us to inform you that he has ordered the Estimates for the current year to be laid before you: his Majesty has directed them to be formed with all the attention to economy which the support of his Allies and the security of his dominions will permit. And his Majesty relies upon your zeal and loyalty to afford him such supplies as may be necessary for those essential objects.—He commands us to express how deeply he regrets the pressure upon his subjects, which the protracted continuance of the war renders inevitable.

“My Lords and Gentlemen,

“We are commanded by his Majesty to express his hopes that you will resume the consideration of the state of the inferior Clergy, and adopt such further measures upon this interesting subject as may appear to you to be proper.—We have it further in command to state to you that the accounts which will be laid before you of the trade and revenue of the country will be found highly satisfactory.—Whatever temporary and partial inconvenience may have resulted from the measures which were directed by France against those great sources of our prosperity and strength, those measures have wholly failed of producing any permanent or general effect.—The inveterate hostility of our enemy continues to be directed against this country with unabated animosity and violence. To guard the security of his Majesty's dominions, and to defeat the designs which are meditated against us and our allies, will require the utmost efforts of vigilance, fortitude and perseverance.

“In every difficulty and danger his Majesty confidently trusts that he shall derive the most effectual support, under the continued blessing of Divine Providence, from the wisdom of his parliament, the valour of his forces, and the spirit and determination of his people.”

## CATHOLIC CLAIMS.

LETTER FROM LORD GRENVILLE TO THE  
EARL OF FINGAL.

*Camelford-House, Jan. 22, 1810.*

My Lord—I have the honour to address this Letter to your Lordship, in reply to that which I received from you, respecting the Petition with which you are charged. This form of communication I consider as most satisfactory to your Lordship. It is also best calculated to do justice to the sentiments of some of the most distinguished advocates of your cause, in concurrence with whom my decision has been taken.—I must in the first place assure your Lordship, that my opinion remains unchanged as to the object of your Petition. It would, I think, be an act of undeniable wisdom and justice to communicate to our fellow subjects, professing the Roman Catholic Religion, the full enjoyment of our Civil Constitution. Such a measure, accompanied by suitable arrangements, maturely prepared, and deliberately adopted, would, I am confident, above all others, give strength and union to the Empire, and increased security to its religious and civil establishments. Your Lordship is well aware, that on this conviction only have I supported it. To those establishments I am unalterably attached; their inviolable maintenance I have ever considered as essential to all the dearest interests of my country. But they rest, I am certain, on foundations much too firm; they are far too deeply rooted in the affections of that community to which they dispense the blessings of religion, order, and liberty, to require the adventitious and dangerous support of partial restrictions, fruitful in discontent, but, for security wholly inefficient.—With respect to the present application to Parliament, I knew not, except from public report, that such a measure was in contemplation; or that it was the wish of the petitioners to place their Petition in my hands.—I have twice already, at the request of the Catholics of Ireland, moved the House of Lords to take this subject into consideration. I did not, in either case, think myself responsible for your determination as to the time of agitating the question: a determination which, in the first instance, I had not suggested, and which in the last I had in my place in Parliament publicly dissuaded. Recent events had in both cases imposed upon me a pecu-



liar duty, not merely for my own honour, but in justice also to your cause, to prove, by my conduct, on the earliest occasion afforded by yourselves, that no change of public situation, no prejudice, no calumny, no clamour, could either vary or suppress my opinions on this great national question. This duty I willingly performed. Deeply impressed with the importance of the measures which I recommended, I have spared no sacrifice, omitted no exertion, by which I could contribute to their accomplishment. And if I could now deceive myself with a hope, that a renewal of my weak efforts, in the present moment, could expedite or facilitate their ultimate success, it would be my highest gratification once more to stand forward as the chosen advocate of national conciliation.—Circumstanced as this question now is, both in England and in Ireland, it is, on the contrary, my deliberate opinion, that no motion grounded on your Petition could, at this time, in any hands, certainly not in mine, be brought forward, without great and permanent disadvantage to its object.—This opinion is founded, not only on the present known dispositions of Government and Parliament, but also on the unexpected difficulties which have arisen in Ireland, on the impressions which they may create, and the embarrassments which they unavoidably produce.—It would be an invidious task for me to recapitulate, in this place, the transactions of the last three years, or to discuss the temper and spirit, the language and the conduct of his Majesty's Ministers towards your body; nor would it become me to censure, though I may be permitted to lament, the decisions of the Legislature.—To these two topics it is sufficient briefly to have adverted. The obstacles which, in the present moment, they oppose to any favourable consideration of your Cause, and the advantages which they afford to the misrepresentations of your adversaries, are too obvious to require explanation.—Many circumstances compel me to speak to your Lordship more at large of the recent proceedings in Ireland; with reference both to their origin and to their consequences. For this purpose I must beg leave to recall to your Lordship's recollection, the grounds on which the consideration of these Petitions has uniformly been recommended to Parliament. That which you have asked, and which has been supported by the greatest Statesmen of our time, now no

more, is not in its nature a single or unconnected measure. Its objects are, the peace and happiness of Ireland, and the union of the empire in affection, as well as in government. Vain indeed, would be the hope of accomplishing such purposes, solely by the repeal of a few remaining disqualifications, which by a strange anomaly are still left subsisting amidst the ruins of a whole code of proscription. To impute to you this visionary pretension, has been the artifice of your opponents. The views of your friends hath been more enlarged.—With the just and salutary extension of civil rights to your body, must be combined, if tranquillity and union be our object, other extensive and complicated arrangements. All due provision must be made for the inviolable maintenance of the religious and civil establishments of this United Kingdom. Much must be done for mutual conciliation; much for common safety; many contending interests must be reconciled, many jealousies allayed, many long cherished and mutually destructive prejudices eradicated.—Such, at least, have always been my own declared opinions. When this matter was last under the consideration of Parliament, I had occasion to dwell, with particular earnestness, on this necessity; I invited the suggestions of others for providing for it; and I enumerated several measures which eight years before had been in the contemplation of Government, in conjunction with which I then cherished the vain hope of rendering this great service to my country.—Among these measures, I pointed out the proposal of vesting in the Crown an effectual negative on the appointment of your Bishops. That suggestion had previously been brought forward in the House of Commons, to meet the just expectations, not of any bigotted or interested champions of intolerance, but of men of the purest intentions and most enlightened judgment. Men willing to do all justice to the loyalty of your present Bishops, yet not unreasonably alarmed at any possibility, by which functions of such extensive influence might hereafter be connected with a foreign interest, hostile to the tranquillity of your country. A danger recently very much increased by the captivity and deposition of the Head of your Church, by the seizure of his dominions, and by the declared intention of that hostile government to assume in future the exclusive nomination of his successors. The suggestion thus opened to



Parliament, produced there impressions highly favourable to your cause; it was received as the surest indication of those dispositions, without which all concession must be nugatory, and all conciliation hopeless. To my mind it had been recommended by long reflection. It had formed a part of the original conception of those measures as consequent upon the Union. It was now again brought forward with the concurrence of the two individuals, from whose opinions those generally prevalent among your body might best be inferred; of the agent of the very persons to whose office it related, and of your Lordship, to whom, in addition to every other claim to respect and confidence, the exclusive charge of the Petition had recently been committed. What I said on the subject, in the House of Lords, was spoken in the hearing of both, and I received from both, while the impression was yet recent on your minds, the most gratifying acknowledgments of your satisfaction in all that I had stated.—It was never, I believe, imagined by any of us, that what then passed could be binding on the opinions of the petitioners. The Roman Catholics of Ireland are not a corporate body. They speak through no common organ. Their various wishes and interests, like those of their fellow-subjects, can be collected only from general information; and any opinions, erroneously attributed to them, they, like all other persons, are fully entitled to disclaim.—I learnt, however, with deep and heartfelt regret, the subsequent proceedings which took place in Ireland, in consequence of this suggestion. To discuss the grounds of those proceedings would be foreign from my present purpose. Their effect obviously must be, not only to revive expiring prejudices, but to clog with fresh embarrassment every future consideration of any of the measures connected with your Petitions. To myself unquestionably the difficulty of originating at this time any fresh discussion of those measures, does, in such circumstances, appear almost insuperable. Let me not, however, be misunderstood. When I speak of the necessity of combining, with the accomplishment of your wishes, provisions of just security to others, I am no less desirous of consulting every reasonable apprehension on your part.—To the forms, indeed, of these securities, or to the particular details of the proposed arrangements, I attach comparatively little importance.

A pertinacious adherence to such details, in opposition even to groundless prejudice, I consider as the reverse of legislative wisdom. I look only to their substantial purposes; the safety of our own establishments, the mutual good will of all our fellow subjects, and the harmony of the United Kingdom.—That adequate arrangements may be made for all these purposes, consistently with the strictest adherence, on your part, to your own religious tenets, is the persuasion which you have long been labouring to establish, and of which I have uniformly professed my own conviction.—Were it otherwise, I should indeed despair. But that these objects may be reconciled, in so far at least as respects the appointment of your Bishops, is known with undeniable certainty. It is proved by the acquiescence of your Church in similar arrangements under other Governments, by the sentiments which many of yourselves still entertain as to the proposal suggested in 1803, and, most of all, by the express consent formerly given to that proposal, in a declaration signed by the most considerable of your own Bishops.—I see, therefore, in the present state of this subject, much unexpected embarrassment, and many difficulties, which renewed discussion, in the present moment, must, instead of smoothing, inevitably aggravate. There is, however, no ground for ultimate discouragement. The sentiment of reciprocal confidence, the spirit of mutual conciliation, would surmount far greater obstacles.—But nothing, permit me to remark it, can in the mean time be more injurious to your cause, than any attempt, by partial and precipitate decisions, to prejudge its separate branches, or to limit its unreserved discussion. No course can be more grateful to your opponents, none more embarrassing to your supporters.—To Parliament, when any more favourable conjecture for this discussion shall arise, every information may properly be supplied, every wish imparted, every apprehension communicated. There only, by a systematic and comprehensive arrangement of this extensive subject, can all its difficulties be surmounted, all its relations finally adjusted. To be effective and permanent, such an arrangement must be mutually satisfactory. This is alike the interest of every member of the British empire, but to none more important than to the Catholics of Ireland. The stability of all your civil rights, both of those which you already enjoy, and of those to which



you seek to be admitted, essentially depends on the tranquillity and harmony of your country, on banishing from it every hostile influence, and composing all its internal differences. — These opinions I have expressed to your Lordship with the freedom of a tried and zealous advocate of your cause. On these grounds alone have I ever attempted to do justice to it. To have argued it on any other would have been a dereliction of my own principles.—I need hardly add, that by the same principles my present conduct must equally be directed.—Should the petitioners continue to entertain the desire conveyed in your Lordship's letter, that I should lay this Petition upon the table of the House of Lords, with that request I cannot hesitate to comply. It would be highly improper to deny to such a body of men the opportunity of submitting, through my hands, if they should so desire it, and at their own time, their wishes to the Legislature of their country. It would be still more inexcusable in a case, where all my opinions and all my wishes are favourable to the object of their application. On the measure itself, if any motion respecting it be originated by others, I shall not fail to urge, with unabated earnestness, all the same sentiments which I have detailed in this letter. But I must with equal explicitness decline to be myself, at this time, and under so many circumstances of such peculiar disadvantage to your cause, the mover of any such proposition. I am satisfied, that, by this decision, I shall best promote the ultimate success of that great work which I have long laboured to accomplish. My reasons for this persuasion I have, I trust, sufficiently explained. They may be erroneous, they are at least sincere.—To the principle of equal laws, to the object of national conciliation, I am invariably attached. By me, they shall never be abandoned. But any personal exertions which I can make, for purposes of such inestimable benefit to my country, must ever be regulated by that discretion, which I am equally determined in every situation to reserve, unfettered by previous engagements, and the faithful exercise of which my public duty imperatively forbids me to relinquish. I have the honour to be, with sincere respect and regard, my Lord, your Lordship's most obedient humble servant,

GRENVILLE.

THE

HON. G. VILLIERS' DELINQUENCY.

Sir;—This gentleman's case is the most prominent instance of Delinquency, that has occurred within the century: and compared with it, Lord Melville's imputed misconduct sinks into a venial peccadillo. When the public are told that up to the year 1804, Mr. Villiers is indebted in the enormous sum of 284,000*l.* what opinion can they form of the administration of their affairs? while the tax gatherers are enforcing by distressing means the payment of taxes from the indigent mechanic and his starving offspring, what are they to feel, on hearing that there has been all this time, so enormous a balance in the hands of an inferior paymaster. When laws were passed to regulate the offices of the Paymaster of the Forces and the Treasurer of the Navy, why was no attention shewn to the Paymaster of the Marines? for it is now gravely advanced, though I presume, the defence is inadmissible, that no regulation having been made, Mr. Villiers had a power of using the balances in his hands, at his own discretion, and has not been guilty of a delinquency, if he be able hereafter to repay the deficit, and the public do not sustain a loss. It will be very easy to shew the fallacy of this reasoning, but at present I shall only say that Lord Melville did not owe one farthing to the public, when the House of Commons ordered him to be impeached. But proceed to farther views of this case, and I again ask, why an Act has not been passed to regulate this office? Mr. Geo. Villiers is known to be a great favourite of the king's, and from his agricultural pursuits to have been in the habits of familiar intimacy with his majesty; and the inference drawn from this circumstance is the most unfavourable to the character of the king; as I am convinced that it is at the same time unfounded, for his majesty has never been known to protect delinquents, or to encourage misconduct in his favourite servants, however the mean subserviency and interested ambition of ministers may have led them, as in the present instance, to wink at the misconduct of such as were supposed to enjoy an uncommon share of royal favour, and to omit applying corrective regulations, for fear of giving them offence. These are inconveniences that naturally result from every degree of favouritism, the natural ten-



dency of which is, to confer offices of trust on unworthy objects, and to protect their abuse in the execution of them. But I return to the question of Mr. Villiers' delinquency; and on this, I have no hesitation to pronounce him guilty, though not under any directly prohibitory act of parliament, and simply on this ground, that every man entrusted with the public money, ought to keep it at all times ready to be applied to the public service, and should not use unfair means to possess himself of it, and that Mr. Villiers has misapplied the money, entrusted to him as a public officer, by diverting it to his own private purposes, and for his private emolument, so as at this moment to have a balance against him of 280,000*l.* which he cannot pay or refund, when called on so to do. Here there is a notorious delinquency, founded in a breach of trust and dereliction of duty, and attended with a great loss and inconvenience to the public, and this when on the admission, that there is no prohibitive statute against the practice. But I understand, that there was a regulation of office, which will greatly aggravate the delinquency, and stamp Mr. Villiers with the infamy of a false return, twelve times in the year, for I believe the rule of office to be, that he, as Paymaster of Marines, was to draw their pay monthly from the Navy Office, and that on each application he was to state the balance in his hands, which, if exceeding 4 or 5,000*l.* was made applicable to the service of the ensuing month. Could Mr. Villiers be ignorant of the state of the balance of his cash account? impossible; and if he has every month signed a false return, he has been guilty of a direct fraud, totally distinct from the case of delinquency as stated above, and superadded to it. Such, I say, must be our decided views of this case, and I request the opinion of your legal friends, in what manner the Attorney General is bound by his duty to prosecute the delinquent, for I conceive that there can be no security for the public, if delinquents of the above description are suffered to escape with impunity, for that would be holding out a precedent to encourage the abuse of office, and naturally lead to the belief, that if a man in office committed a petty offence, he ran the risk of being cashiered and stigmatized; but if he rose to the daring magnitude of guilt, and propped himself up with the spoils of the public, he might then be safe and be prepared to fight the

public with their own money. I am aware that Mr. Villiers will have many supporters on this occasion, and that there are many who will think the loss of office a sufficient punishment. But, I certainly differ from them, for though Mr. Villiers should be stripped of all his various sinecures at Gibraltar, and in the West Indies, as well as of his place of Paymaster of the Marines, as I take it for granted that he will be, still this would be only the consequence of incapacity. But if he has been guilty of delinquency and fraud, the transgression requires a penal prosecution, and that he be brought as a delinquent to the bar, to take his trial before a jury of his countrymen. If it should be alledged that Mr. Villiers reposed his confidence in a deputy or clerk of the name of Waters, that the returns were signed by him, and the money applied by him, and therefore that Mr. Waters is alone responsible for the consequences; such a train of reasoning is utterly inapplicable, and could not in any degree be pleaded in the present case in favour of Mr. Villiers, for in the first place, no man will venture to deny that Mr. Villiers is accountable for the public money misapplied by Mr. Waters; even on the supposition that such misapplication had been made by him, without Mr. Villiers knowing it, or deriving any advantage from the misapplication; but we have heard of instances when Mr. Villiers was brought forward as the principal by Mr. Waters in the purchase of some mills, where the seller refused Mr. Waters's security! and we believe it will be no difficult matter to identify Mr. Villiers and Mr. Waters, in all the purchases, engagements, contracts, trade and traffic, carried on in the name of the latter. And this too by proof positive and direct, without adopting a precedent repugnant to the mild and liberal principles of the penal code of the British constitution, and which savours too strongly of Inquisitorial malignity, the arming the deputy by a Bill of Indemnity to charge his principal with offences in which they have been joint actors. But to return to the subject, Mr. Villiers by suffering the misapplication, whether he knew it or not, is guilty of the delinquency, for he might have known it, and he ought to have known it; and in sharing the profits of the misapplication with his clerk or deputy, he constituted himself a partner in all his transactions, and is chargeable with every



species of fraud practised by Mr. Waters. But let us take another view; Who is this Mr. Waters, who enjoyed Mr. Villiers's confidence to such a degree as to possess himself of 280,000*l.* of the public money in Mr. Villiers's office? Will it be believed that Mr. Waters entered that office as a low clerk without any property, and was raised by Mr. Villiers to be his agent with full confidence in his honesty and intelligence, and with something less than no character? if it be true, as I have heard, that Captain Ball of the Royal Navy had apprized Mr. Villiers of Mr. Waters's conduct, when he acted as his clerk, which was calculated to have put Mr. Villiers on his guard. But is it possible that a clerk with the best character, could have diverted to his own use 280,000*l.* of the money for which Mr. Villiers was answerable, without his knowledge? If Mr. Villiers will defend himself by saying that such a thing is possible, he would declare himself not only unfit for any office that required common sense, but he must appear a driveller and an idiot; and this certainly is not Mr. George Villiers's character. But is it not astonishing, that with the example of Lord Melville and Mr. Steele before his eyes, Mr. Villiers, knowing himself to be a public accountant, should not have thought of getting in his money, and being prepared for an enquiry. These examples could not have failed to have given him a seasonable warning, and I can only impute his being now unprepared to meet the enquiry, by supposing what is known to be the fact, that he engaged in so many speculations, and embarked the balances in so many different objects, that it became impossible for him to draw them in, and that the consequent loss to the public will be something prodigious.—But what does Mr. Villiers say, now that the money is called for? Mr. Villiers says, he has the utmost confidence in Mr. Waters, so far we believe him; that he considers Mr. Waters as an honest and trust-worthy man, and that he makes no doubt that every thing will appear very fair, when Mr. Waters returns from Portugal, and produces the books which are in his possession. But in the mean time, this honest man has disappeared, and carried the office books with him; and this too, we are to suppose, without Mr. George Villiers's knowledge. Now, fortunately for the cause of truth, there are always circumstances that upset the best formed at-

tempt to conceal it, and here again we have proof direct that this could not have possibly been, without Mr. George Villiers's knowledge; for Mr. Waters left the Marine Pay Office about a year ago, but he was not dismissed; and last summer visited North America, as was whispered at the time, to avoid being examined by the Commissioners of Accounts, and returned to England in the autumn. What books could Mr. Waters have kept after he left the office? Certainly not the office books, the business could not have been carried on without them; the books, then, that Mr. George Villiers now says are in Mr. Waters's possession, can be no other than the cash accounts, with that of the partnership concerns of Villiers and Waters; and without these books, Mr. George Villiers certainly cannot pretend to say what balance will be found on his private transactions applicable to the deficit of his public accounts. But this should not prevent the Commissioners from proceeding with his public accounts, which should be made up with all possible dispatch, that the sum of the deficit may be ascertained, for if the deficit on the last six years be in proportion to that of the preceding, I may venture to say, that the deficit, with legal interest on it, will far exceed half a million. The extent of Mr. Waters's dealings as a general merchant and discounteer are well known, but it may not be equally known, that he had a contract from the Ordnance Office, for iron tools, &c. a transaction which appears extremely suspicious on both sides, for it presents us with the view of one office contracting with another, and allowing a profit on the application of the money of the public. I forbear to pursue this more than suspicious connection through the various shades of dereliction of duty, if not of participation in fraud, which will present themselves to those the least conversant with public business. But I cannot so lightly pass over the conduct of the Navy Board, who issued the money to Mr. Geo. Villiers, and to whom he has been all along accountable for the application of it; for between the one and the other, a high degree of criminality rests. If the Navy Board had done their duty, this deficit could not have been; it will be impossible for them to exculpate themselves, by charging Mr. Geo. Villiers with false returns. It was their business to have examined those returns, when the fraud would have been easily detected;



and in not doing so, they have forfeited all claims to confidence, they have shewn themselves incompetent to the duties of their office, if they have not connived at Mr. Geo. Villiers' guilt; and they ought, as well as Mr. Geo. Villiers, to be not only dismissed from office, but declared incapable of serving his majesty in any capacity, civil or military. For if they should be only dismissed from one office, to be appointed to another, ministers would then become implicated in the general criminality; for such appointment, so far from punishing delinquency, as the public interest demands, would in reality be rewarding it.—I have heard Mr. Fordyce's case brought as a precedent of a public defaulter being appointed to an important official situation. This is a strong proof of the danger of precedent. But without justifying Mr. Fordyce's appointment; his case was, in every material point, different from that of Mr. Villiers. Mr. Fordyce's deficit was about 100,000*l.* Mr. Geo. Villiers up to 1804 is 280,000*l.*, this refers only to the public. Mr. Fordyce's arose from the failure of the Banks, in which he had deposited the public money. Here there was misfortune, but no delinquency. Mr. Geo. Villiers's deficit arises from trading with the public money, and a system of false returns. Mr. Fordyce's deficit was settled, and sufficient security given for the repayment. Mr. Geo. Villiers's deficit is not ascertained, nor his account settled. The cases are therefore totally different, and the precedent can, in no way, apply.—Indeed the conduct of government towards Lord Melville may satisfy the public on this point, that no attempt will be made to protect Mr. Geo. Villiers against the justice of the country, or to screen his delinquency. They neither can nor dare do it; for, as I said in the beginning, Mr. Geo. Villiers infinitely exceeds any delinquency ever imputed to Lord Melville. I say imputed, for, at the time that Lord Melville was impeached, he was not a defaulter, he did not owe the public a shilling.—Mr. Steele's case agrees more directly with that of Mr. Geo. Villiers, for he was a defaulter and a delinquent, as Mr. Geo. Villiers is, at this moment; and where the default has arisen from an act or acts of delinquency, I believe it will be universally admitted, that repaying the money is not a sufficient satisfaction to public justice: and that punishment is due to the delinquency, to act as a saluta-

ry example, to deter public officers from the commission of similar offences; for if there be no punishment for malversation and delinquency; the temptation of private interest will continue to operate, as we see it has done, and lead public officers to apply the monies in their hands to objects of speculation and profit, if there be no check but the dread of losing the office in which the malversation has occurred.—If the restitution of a theft or a robbery is not admitted, in law, as a discharge from the criminal prosecution; ought not the same principle to be applied to state delinquents? who have no excuse from necessity, and whose offences are infinitely more dangerous to the community, from the infection of example, and the magnitude of the crime.

Yours, &c.

A. B.

#### CATHOLIC CLAIMS.

Sir;—Dr. Milner's Letter, published in the last number of your Register, contains a statement of some very important facts respecting the condition of the Irish and English Soldiers and Sailors in his majesty's service: the following circumstance, copied almost literally, from Mr. Parnell's "Historical Account of the Laws against the Irish Catholics" is not less curious or interesting.—By certain Acts of the Irish Parliament, Roman Catholics were allowed to serve in Ireland as privates: And the act passed for the relief of the Irish Catholics in 1793 made it lawful for them to hold in Ireland, any military office or employment below a certain rank.—In a communication which they had with government, they observed, that the act would not enable them to hold, or continue to hold, any such office or employment out of Ireland: and that as both officers and privates were in constant motion from one part of his majesty's dominions to another, it was necessary, to give the Bill any useful effect, that the English act of 1st Geo. 1st, which prohibits Catholics from filling any military situation, should be repealed. In answer to this application, the Catholics were informed by lord Hobart, that such a measure would be immediately adopted; and a letter of his majesty's Secretary of State, containing a promise to this effect by the English government, was produced to them. Upon the debate in the house of Lords on this act, Lord Farnham proposed an amendment to the clause re-



being to military officers, by rendering its operation conditional, until England should pass a similar law. The Chancellor, Lord Clare, opposed it: "for," said he, "it could not be supposed that his majesty would appoint a man to such a post, until the laws of the empire should fully qualify him to act in every part of it." And he said "it was more than probable a similar law to this would be adopted in England before the lapse of two months, and that, on this ground, the amendment would be wholly unnecessary."—Now, Sir, incredible as it may appear, Lord Howick's bill,—that bill, that very bill, which produced the horrid yell of "No Popery," and blessed the kingdom with the No Popery and Walcheren Administration, was no more than a performance to the Roman Catholics of the promise made to them fourteen years before, by Lord Hobart, and Lord Clare; and, on the faith of which, thousands had enlisted as privates, and several accepted offices, which in the hour of danger, they were courted to accept. Yours, SPARTACUS.

#### CATHOLIC CLAIMS.

SIR;—You have shown the futility of the objection taken to the passing of a law for the emancipation or relief of the Irish Catholics, as founded in the terms of his majesty's coronation oath. You have given instances of acts done by his Majesty, which, if there were a colour for the objection, would be equally a violation of his oath. Allow me, if enough has not been said already, to state a case which I conceive to be precisely in point. His Majesty, at his accession, took an oath (as our sovereigns, since the Union in 1707, are by law obliged) inviolably to maintain Presbyterian church government in Scotland, with its worship, rights, and privileges, as established by law at the time of the Union. By that law Presbyterianism was established, and prelacy and all superiority of any officer in the church above presbyters were abolished. And his present majesty, in the year 1792, gave his royal assent to an Act "granting relief to Pastors, Ministers, and Lay persons of the Episcopal Communion in Scotland," removing sundry disabilities, in effect recognizing an episcopal establishment in that kingdom. Immediately, on the passing of that act, the Scotch hierarchy again appeared with all the

éclat that a church stripped of its temporalities can do. The bishops of Scotland, as a legal body, have been allowed to approach the throne with their addresses, and, I dare say, though I do not know the fact, did not fail to show their loyalty on occasion of the late joyful Jubilee.—Now, Sir, I certainly do not mean to insinuate that there was any thing wrong in this act, or any violation of his majesty's oath, but, I say, that it is beyond my power to see a distinction between granting relief, by act of parliament, to Scots Episcopalians and to Irish Roman Catholics. SCOTUS.

#### ON BANKING.

SIR;—At the time I first addressed you upon this subject, the Edinburgh Review upon Mr. Smith's late publication upon money, had not fallen under my observation. At the close of their remarks upon that work, is prefixed a statement of the causes of the embarrassment of the Bank of England, as developed by the examination before the House of Lords, when that institution suspended its payments. Without question, as appears by the statement, that want was brought about by the heavy loans made to government; and it is equally evident that had those loans been returned to the Bank, the Bank would have resumed its specie payments, and, perhaps, by judicious management, would to this day have continued them. I say by judicious management; for even had the loans been returned by government, if the Bank issued small notes to the extent now done, it is very probable specie would so totally have been banished, that the least overflowing of the circulation it would have been difficult to have redeemed. Nothing however, is more to be lamented than the indiscretion of Mr. Pitt in this transaction: Could the great Dr. Adam Smith, who has so luminously treated upon this subject, have been made conscious of this step, he would have risen from the dead. It is singular that of all those authors who have professed to instruct us upon this subject, none except Dr. Smith has written consistently and intelligibly; some too have been practical men, and had the theory of Dr. Smith before their eyes. But the Edinburgh Reviewers seem to promise us better things; it certainly is in their power to enlighten the public; let us hope that we may not be disappointed. But I have been induced

E



to add to my first observations, with the view to enter my protest against the new emission of dollars, which, we are told by some of the news-papers, government have resolved to coin and put into circulation, to the amount as stated of eight hundred thousand pounds. The effects of such a measure may be predicted with perfect confidence, to prove of no kind of relief, or additional security to the present circulating medium. The circulating medium is altogether full of specie under one pound notes; and any additional sum therefore poured into it, will cause as much to be drawn from it. The complaints of the scarcity of specie, to make exchanges with, under one pound, are not true. And most assuredly all that is added to it will be taken from it, either in the small gold pieces, or in the same dollars that are issued; but most probably the same dollars will be withdrawn, because as is stated, they are to be made of more real value than usual. The only way the eight hundred thousand pounds can find employ in the circulating, is by proscribing the circulation of one pound notes, and if all those were proscribed (and it would be useless to proscribe less than the whole) this eight hundred thousand pounds would constitute a very small part indeed of what specie would be required to substitute for them; but small as it may be, it would be better to reserve this sum, to come, some day or other (for the day will come) in aid of such a measure, than to have it issued with the certain prospect of its going out of the country.—Your correspondent, H., is pleased to attribute to an inconsistency, my admitting at one time the great advantage of substituting paper for specie; and afterwards in urging that it would be preferable to have no substitute. It still appears to me, however, that I was very explicit upon that point. I stated that there had been a very great addition to the active capital of the country; but that this was counterbalanced by the consequent loss of security, not to the paper money only, but to the whole personal property of the country: in time of war, and especially such a vindictive war as we are now engaged in, this insecurity may be fatal to the independence of the country. Specie is banished, and it is infinitely more easy to banish it, than to recall it. To recall any from the continent now, would be next to an impossibility. It is injudici-

ous to maintain the present paper circulation, because individuals in this country have more capital than they can, these difficult times, advantageously employ; and, consequently, perfect security can be given to the circulating medium (always desirable in time of war), without the judicious application of the active capital of the country being much weakened. Your correspondent, H., entertains the common error, that paper does not necessarily banish specie from circulation. But, if paper acts as a substitute, how is the principal to continue? And, if the principal continues in circulation, what is gained by the substitute? But, of the truth that paper money does banish specie, there can be no doubt with those, who observe the present and palpable effects of it. And bad as the currency is, it might get considerably worse, were the Banks to issue notes under the pound. Were they to issue notes down to a penny value, in a short time there would be no copper pennies to be seen; such would be the certain effect of issuing small notes to banish specie. There would then be a total absence of security for bank notes. Bank paper, when specie cannot be realized for it, is altogether of imaginary value; but where it is so governed, as that a considerable part of the currency must necessarily consist of gold and silver, then the nominal price of bank notes can be easily maintained. And had this country never resorted to bank notes at all, most indubitably where bank notes now circulate, guineas would have existed to the same amount, except so far as the bank notes have depreciated. That the circulating medium has depreciated, every practical merchant, who observes the exchanges, must certainly know. The relative price of bullion to the currency establishes the fact beyond question. The pound sterling, in Paris, sells for little more than nineteen livres; which is more than 25 per cent. under par. At Ham-  
burgh it is as bad. Through the whole season at St. Petersburg a cargo of hemp has cost nominally 25 per cent. more for bills in England, than for bills on Ham-  
burgh. Now all this effect would be impossible on any other hypothesis, than the depreciation of the currency; for, suppose the currency to be gold and silver, the difference between the bills could only be the expence of transporting to Ham-  
burgh the bullion, which could easily be bought without loss in this country with





the gold and silver currency.—To keep specie in a country where the currency is filled with paper is almost impossible; it can be done only by hoarding it up; and no man of sense will keep unproductive property by him unemployed if he can well avoid it; and in the precious metals it is always easy to avoid it. Into circulation it certainly will not go. Money produces no revenue of itself; and since it cannot be employed in the home circulation, it is sent abroad; nothing is more natural, nor more certain. The specie that comes into this country, as regularly, therefore, goes out of it. Specie finds here a mere channel to convey it to the continent. It can only be stopped by drawing in the bank notes, beginning first with the small ones. In the present state of our currency, specie is not an instrument to make exchanges with, but is an article of merchandize. It appears to me, this distinction not being observed, is in some measure the cause of the misconception and confusion of ideas which prevail upon this subject. Guineas, no doubt, would not leave this country so rapidly, if our manufactures could be returned to the continent to answer for our present imports; the new restrictions lately imposed will increase the demand for guineas. The currency of France was speedily restored to a specie medium after its assignats had fallen to nothing, by maintaining a great trade with neutrals, and by enjoying, as it has done, the revenues of Old and New Spain. This country, happily by its present relations with New Spain, has it in its power to restore the currency to a proper state; an opportunity which ought to be improved, and to me there is no other conceivable mode of doing it, than the one suggested in my first communication.—In proportion as our trade declines abroad will be the accelerated depreciation of the present currency; for the use of all currency is to circulate goods, either in greater or less quantities; and, if trade declines, the circulation of goods declines with it; and, consequently, a smaller portion of money will be necessary to circulate them; this throws, of course, more paper out of use; and thus will be depreciation hastened. This then, among many others, is one of the evils of paper money peculiar and incident to it in time of war. The difficulty of restoring specie to the currency, would certainly not be surmounted in a very short time; it would be quickened or retarded as our commerce abroad

was prosperous or adverse.—As to our national debt, if the government would suspend the operation of the sinking fund to redeem any of it, until the stock declined in price to one half of its present value, or even one third, in a short time the debt, borne down by its own weight, would fall, and then the application of the revenues of the sinking fund would be twice as efficient as at present; and the public burthens in a like degree be lessened. The morality of such a step I am not considering. It is singularly remarkable, that the sinking fund, really intended to lessen and discharge the national debt, is the cause, by preventing its depreciation, of maintaining and perpetuating it.—The great evil to be apprehended from the depreciation of our currency to nothing is, that it would leave us in a palsied state; the consequences of which, in peaceable times, might be of no very great moment besides the total loss of so much money; but, under the present state of our country and of the world, may be of incalculable injury. In this view I do sincerely lament the present state of it; I do think our neighbours, with much less wealth and commercial advantages, have manifested much more wisdom. Suppose the colonies of the new world were shut out from us, how could this country restore the currency to specie? To regain it from the continent is certainly now impossible.

Jan. 2nd, 1810. AN *ECONOMIST*.

#### SPEECH OF MR. DEANE,

AT THE LATE BERKSHIRE-MEETING, UPON  
THE SUBJECT OF ASSESSED TAXES.

MR. DEANE, of Waltham, rose and said; I cannot pass this opportunity, without rising to express my thanks, to those Gentlemen, who have signed the Requisition for calling a County Meeting on this day, by which I claim a right of coming forward, as a Freeholder of the County of Berks, and stating what I consider to be a great public grievance.—I have heard, Sir, some reflections cast on the Gentlemen, who signed the Requisition, charging them with private and sinister motives for so doing.—I have the honour of being personally acquainted with one or two; I know them all by report, and I believe them to be men possessing high honour and strict integrity, some of them holding fine and valuable estates in this county; and I would ask you, Sir, or I would ask any man



in this assembly, what motive could induce such men, to call such a meeting, but an anxious desire to do good to the country in which they live.—As I have ventured to come forward on this occasion, I fear I shall have some severe reflections cast on me; I expect to be charged by some with disloyalty, by others with disaffection,—but I beg leave to state I had for many years of my life, by living under the immediate eye of his Majesty, an opportunity of evincing his personal justice and private virtues, for which I highly honour and revere him, and as to disaffection, I defy any man, who ever lived in the united kingdom of Great Britain, to have a higher esteem or veneration for his country than I possess.—Having thus publicly declared my sentiments, I shall proceed to comment freely on an Act of Parliament, which I consider of a most unjust and oppressive nature, and which I trust will not be thought irrelevant to the present subject of debate.—It is an act, Sir, which presses very heavily on all classes of his Majesty's subjects, it is felt severely by the Gentleman, the Tradesman, the Mechanic, and the Labourer, and I am sure you will agree with me when I state it to be an Act of the 48th year of the reign of his present Majesty, called the Assessed Tax Act—or in plain words it is the Act which contains the long and alarming list of our present Taxes.—I have read some of the laws of my country with admiration, and listened to others with infinite delight;—but when I contemplate the contents of this act, I am struck with horror and dismay, for it appears to me to have been framed in the spirit of injustice, and every clause of it is fraught with severity and oppression.—But before I proceed to comment on the more objectionable clauses of this Act, I beg most distinctly to be understood, it is not my intention on this occasion to complain of one single Tax therein contained;—for in this alarming state of the world I am well aware of the high and important necessity there is for all of us—to subject ourselves to great and serious privations, but although I do not mean to find fault with the Taxes themselves, I do most bitterly mean to complain of the unjust and iniquitous mode of enforcing their payment, by which their burthen, dreadful and heavy as it is—is rendered doubly galling and oppressive.—In looking attentively into this Act, I perceive gentlemen named as the Commissioners to carry it into execution; but how irksome is

their situation?—they are reduced to this unpleasant situation, they are brought to this unhappy alternative, they must either offend their friends and neighbours, or they must incur the censure and animadversion of the Government, by which they are appointed;—but the great foundation of my objections is intended to be directed against people, who are called Inspectors and Surveyors. They are a set of men, Sir, furnished under this act with inordinate power, and armed with an authority so great, that no man, however high his character, or however elevated and dignified his situation, ought in a free and independent country to possess.—They claim a power, and they appear to me to have it, under this most unjust Act—of criminating a man upon his own evidence.—This, Sir, is cruel, it is contrary to reason—it is contrary to justice—and I hope soon to have it in my power to say, it is contrary to law.—Indeed I believe it is now contrary to the established statutes of the kingdom, for it is there declared, that a man charged with the foulest of crimes, arraigned at the bar for murder, or high treason,—is not to be criminated on his own evidence. You must first absolutely and positively prove the facts, or you dare not inflict the punishment which the law directs.—So that under the operation of this most injurious Act, an honest man stands not an equal chance with a villain.—These men visit us once a year, like birds of passage, but they unfortunately partake not of the innocence of their natures; but cormorant like, they swallow and devour all they can find, and if an honest man falls in their way perfectly innocent, and naturally unwilling to defraud the revenue of a sixpence; if they find he has committed any little error in the return of his complicated tax papers, they consider him fair game, and they pounce upon him as a vulture would pounce upon his prey.—Let me suppose the case of an honest, innocent, but uninformed man, making his appeal before the Commissioners of his District, for a surcharge to the amount of 20*l.* what chance does he stand?—when he comes there, he is confronted by one of these gentlemen Informers, just arrived reeking from Somerset-house, armed at all points like a porcupine, with his Act of Parliament at his finger's ends, which he knows much more about than any common lawyer does, for the best of all reasons, because he gets his living by it; a bible is then put into

the app  
ad, fra  
and pu  
I say,  
for ano  
of this  
ever  
be dep  
ing all  
ly stat  
duct hi  
cause.—  
we wil  
spirit o  
confirm  
learned  
not in  
that th  
he dem  
Judges  
but if t  
fied, an  
and 40  
to be h  
there i  
whom,  
creatur  
mately  
who fee  
Judge,  
for taxa  
Sir, to  
hope w  
and ho  
I place  
should  
old-fash  
opinion  
of this  
and m  
upon th  
case re  
Sir, an  
think, l  
his 20  
opinion  
—this w  
immedi  
if the  
be ag  
whethe  
but I  
and m  
in  
applied  
checked  
believe  
entre  
pers  
y w



the appellant's hand, and questions are asked, framed entirely to criminate himself, and put money into the Informer's pocket. I say, what chance does that man stand? for another happy invention of the framers of this blessed Act is, that a man, however ignorant, however uninformed, shall be deprived of the opportunity of obtaining all legal advice, for it is there expressly stated he shall have no Lawyer to conduct his case, nor a Counsel to plead his cause.—But under all these disadvantages, we will suppose the Commissioners, in the spirit of justice and moderation, refuse to confirm the surcharge! What does this learned Inspector do? he tells them, if not in direct terms, with very broad hints, that they know nothing of the affair, and he demands a Case for the opinion of the Judges, for which he pays not one farthing; but if the unfortunate appellant is dissatisfied, and demands a Case, he must pay 40s.; and 40s. for what? a Case it is true, and to be handed to the Judges; but by whom, there is the rub!—I cannot tell you by whom, but I shrewdly suspect by some creature of Government: some man intimately connected with the Tax-Office, who feels it his interest to point out to the Judge, that the appellant is a fair subject for taxation and surcharge. I mean not, Sir, to cast any reflection on the Judges, I hope we have still some wise and virtuous and honest Judges left; but I own, was I placed in that unpleasant situation, I should wish my case to be decided in the old-fashioned way, and I would prefer the opinion of twelve honest men chosen out of this hall, to the opinion of the wisest and most virtuous Judge, who ever sat upon the bench.—But the injustice of the case rests not here; you would consider, Sir, and the appellant would naturally think, he was relieved for the present, and his 20l. would be safe, till the Judge's opinion was obtained;—but no-such thing—this wicked and despotic Act demands immediate payment of the money; and if the decision of the Judges should be against the surcharge, I know not whether the 20l. would be returned: but I know this—once or twice I have put money into the hands of collectors in my own wrong, and when it was called for, I was told it was paid into the Exchequer, and could not be returned. I believe, Sir, the performers in the great theatre at the Tax Office are like the performers at the other theatres in London,—I wish it to be pretty well understood,

that no money is to be returned after the curtain is drawn. In the whole of this Act, the only favourable clause I find for the subject, is a 100l. penalty, with costs of suit, if the inspector makes a false, vexations, and malicious surcharge. But let me call your attention, Sir, to this great and mighty boon,—observe the careful and cautious words made use of.—Nothing is more likely than what has fallen from my lips to-day may give great offence to the Inspector of my district, and he may surcharge me, perhaps most illegally; but how am I to prove vexation and malice against a man I never saw? Would not he come into a court of justice with apparent clean hands, and say he had done nothing but what the conscientious discharge of his duty required of him; so that, in fact, this clause grants you nothing.—I shall trespass, Sir, but a few moments longer on your patience, which will be, by way of illustration, to name two cases, which have come under my immediate inspection:—one was a very respectable friend of mine, who entered six pleasure horses, two of which he bought at Reading fair, and they turned out very bad, and were both lame; he sent them to grass for three months, and ordered his groom to take them up, and get them fit for his use; but they fell lame again; in fact he found them totally useless, and bought two fresh ones, and when his taxes became due he was charged for eight horses instead of six: he made his appeal, but the inspector contended he was liable, and he was obliged to pay his surcharge.—The other, Sir, is a much more common case,—it happened a very honest neighbour of mine was surcharged for a Tax Cart; he had taken great care to have it built precisely according to the directions in this Act, and when he made his appeal the Commissioners thought he was not liable;—but the learned Inspector came forward, and said, Gentlemen, you are all over wrong, you really do not understand the meaning of the Act,—the man is evidently liable, for he rides on a cushion, and that being an ornamental appendage to the cart, he must pay the surcharge; and my unfortunate neighbour was actually obliged to pay 11l. 16s. instead of 1l. 6s. 6d. Now there are many people in this assembly who ride in Tax Carts I dare say, and when they hear what I have said, they will go home well contented, and say, Well, the Inspector of our district shall not take advantage of us, for we will ride in



our carts without any cushions. But vain, very vain, gentlemen, are your hopes, for after bumping your posteriors for a whole year, you will have the devil come among you again, and you will be surcharged; and you will of course make your appeal, and the Commissioners will be inclined to relieve you; they will say, this man cannot be liable, for his cart comes within the meaning of the Act, he has no cushion. The Inspector may again assume his authority, and say, Gentlemen, you are all over wrong again, you know nothing about this Act, there cannot be a doubt of his liability, for the fellow has the impudence to ride in his cart with his breeches on. Well enough you may laugh, Gentlemen, but I contend one is as much law as the other, for I see not one word about a cushion in this Act of Parliament, and I never yet heard of any Act that prevented a man riding on a cushion made of purple and gold, if he thought proper.—In consequence of these considerations, I beg leave to move, that the Members for the County of Berks, George Vansittart and Charles Dundas, Esqrs. be requested to attend their duty in the next session of Parliament, and not only by their personal exertions, but by all the influence they can obtain, to endeavour to get repealed so much of an Act, passed in the 48th year of his present Majesty, called the Assessed Tax Act, as relates to the present inordinate power given to Inspectors of Districts; and to substitute in lieu thereof a clause, leaving all disputed points about the payment of Taxes to the discretion and decision of the present Commissioners, named under the above Act, subject to an appeal to any common Court of Justice.—The motion was seconded by Mr. Marsh, and carried *nem. con.* amidst universal applause.

#### OFFICIAL PAPERS.

AMERICAN DISPUTE.—*Correspondence, between MR. R. SMITH, the American Secretary of State, and MR. F. J. JACKSON, the English Envoy.*

MR. JACKSON TO MR. SMITH.

(Continued from p. 64.)

There is also this essential difference between the two cases, that Mr. Pinkney was charged to convey an important proposal to his Majesty's Government, the particulars of which it might be very ma-

terial to have correctly stated; whilst the object of that part of my conversation, to which you seem to attach the most importance, was to say, that I was not charged to make any proposal whatever.—It could not enter into my view to withhold from you an explanation, merely because it had been already given, but, because having been so given, I could not imagine, until informed by you, that a repetition of it would be required at my hands. I am quite certain that his Majesty's Government, having complied with what was considered to be the substantial duty imposed upon it on this occasion, would, had this been foreseen, have added to the proofs of conciliatory good faith already manifested, the farther complacency to the wishes of the United States of adopting the form of communication most agreeable to them, and of giving, through me, the explanation in question. I have, therefore, no hesitation in informing you, that his Majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it. These instructions, I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the 11th inst. were at the time, in substance, made known to you; no stronger illustration, therefore, can be given of the deviation from them which occurred, than by a reference to the terms of your agreement.—Nothing can be more notorious than the frequency with which, in the course of a complicated negociation, Ministers are furnished with a gradation of conditions, on which they may be successively authorised to conclude. So common is the case which you put hypothetically, that in acceding to the justice of your statement, I feel myself impelled to make only one observation upon it, which is, that it does not strike me as bearing upon the consideration of the unauthorised agreement concluded here, inasmuch as in point of fact Mr. Erskine had no such graduated instruction. You are already acquainted with that which was given, and I have had the honour of acquainting you that it was the only one by which the conditions on which he was to conclude were prescribed. So far from the terms which he was actually induced to accept having been contemplated in that instruction, he himself states that they were sub-



stituted by you in lieu of those originally proposed.—It may perhaps be satisfactory that I should say here that I most willingly subscribe, on this occasion, to the highly respectable authority which you have quoted; and I join issue with you upon the essentials which that authority requires, to constitute a right to disavow the act of a public minister.—It is not immaterial to observe on the qualification contained in the passage you have quoted, as it implies the case of a minister concluding in virtue of a full power. To this it would suffice to answer, that Mr. Erskine had no full power; and his act consequently does not come within the range of your quotation, although it cannot be forgotten, that the United States have, at no very distant period, most freely exercised the right of withholding their ratification from even the authorised act of their own diplomatic agents, done under the avowed sanction of a full power.—I conceive that what has been already said, establishes beyond the reach of doubt or controversy, that his Majesty's Minister did violate his instructions, and the consequent right in his Majesty to disavow an act so concluded. That his Majesty had strong and solid reasons for so doing, will appear not only from his instructions having been violated, but from the circumstance that the violation of them involved the sacrifice of a great system of policy, deliberately adopted and acted upon, in just and necessary retaliation of the unprecedented modes of hostility resorted to by his enemy.—There appears to have prevailed throughout the whole of this transaction, a fundamental mistake, which would suggest that his Majesty had proposed to propitiate the Government of the United States, in order to induce it to consent to the renewal of the commercial intercourse between the two countries: as if such had been the relations of Great Britain and America, that the advantages of that intercourse were wholly on the side of the former; and as if in any arrangement, whether commercial or political, his Majesty could condescend to barter objects of national policy and dignity for permission to trade with another country.—Without minutely calculating what may be the degree of pressure felt at Paris by the difference in the price of goods, whether landed at Havre or at Hamburgh, I will, in my turn, appeal to your judgment, Sir, whether it be not a strong and solid reason, worthy to guide the councils of a great and powerful

monarch, to set bounds to that spirit of encroachment and universal dominion which would bend all things to its own standard. Is it nothing, in the present state of the world, when the agents of France authoritatively announce to their victims "that Europe is submitting and surrendering by degrees," that the world should know, there is a nation which, by that Divine goodness, so strongly appealed to in the paper to which I allude\*, is enabled to falsify the assertion? Is it not important, at such a moment, that Europe and America should be convinced, that, from whatever countries honourable and manly resistance to such a spirit may have been banished, it will still be found in the Sovereign of the British nation, and in the hearts of his subjects?—As to the precautions taken in England to insure from injury upon this occasion the citizens of the United States, and which appear to you to be even yet insufficient, I am confident that in every doubtful case the usual liberality of our tribunals will be exercised in determining upon the circumstances of it; and it was at Mr. Pinkney's express requisition, that additional instructions were given to the Commanders of his Majesty's ships of war and privateers to extend to vessels trading to the colonies, plantations, and settlements of Holland, the same exemptions from capture and molestation, as was granted to vessels sailing for any of the ports of Holland.—On the subject of return cargoes from those ports, I must observe, that although it was intended to prevent, as far as was practicable, the inconveniencies likely to be created by the unauthorised agreement made here in April last, yet it was not and could not be intended to obviate all possible inconveniencies, even such as might have arisen if no such agreement had ever been made.—If an American vessel had sailed from America for Holland, in time of profound peace, or in time of war, the ports of Holland not being at the date of sailing under blockade, it might yet have happened that, in the period between the commencement of such voyage and the arrival of the vessel at the port of destination, a blockade might have been established before that port. The vessel arriving would, in that case, have been warned not to enter the port, and would have been turned away with the loss of the whole object of the

---

\* Augereau's Proclamation to the Catalonians.



voyage. This would be no extraordinary hardship, and would afford no legitimate ground of complaint.—The Order in Council is far less strict than such a blockade would be, forasmuch as it provides for the original voyage, commenced in expectation of being admitted to the port of destination, by permitting the entry into the ports of Holland; and it is no just ground of complaint, that it does not super-add to that permission the liberty to re-export a cargo of the enemy's goods or produce.—I beg leave briefly to recapitulate the substance of what I have had the honour to convey to you, as well in a verbal as written communications.—I have informed you of the reasons of his Majesty's disavowal of the agreement so often mentioned; I have shewn them, in obedience to the authority which you have quoted, to be both strong and solid; and such as to outweigh, in the judgment of his Majesty's Government, every other consideration which you have contemplated. I have shewn that that agreement was not concluded in virtue of a full power, and that the instructions given on the occasion were violated.—Beyond this point of explanation, which was supposed to have been attained, but which is now given, by the present letter, in the form understood to be the most agreeable to the American Government, my instructions are prospective; they look to substituting for notions of good understanding, erroneously entertained, practical stipulations, on which a real reconciliation of all differences may be substantially founded; and they authorize me, not to renew proposals which have already been declared here to be unacceptable, but to receive and discuss any proposal made on the part of the United States, and eventually to conclude a Convention between the two countries. It is not, of course, intended to call upon me to state, as preliminary to negotiation, what is the whole extent of those instructions: they must, as I have before said, remain subject to my own discretion, until I am enabled to apply them to the overtures which I have the honour of receiving from you.—I have the honour to be, with the greatest respect, Sir, your most obedient humble servant, F. J. JACKSON.

MR. JACKSON TO MR. SMITH.

Washington, Oct. 27, 1809.

SIR,—Finding by your letter of the 17th instant, that notwithstanding the frequent statements made by me in our

conferences of the terms of satisfaction which I am empowered to offer to this country for the unauthorised attack made by one of his Majesty's ships of war upon the frigate of the United States, the Chesapeake, I have not had the good fortune to make myself distinctly understood by you, I have the honour to inclose herewith a paper of memoranda, containing the conditions, on the basis of which I am ready to proceed to draw up with you the necessary official documents, in the form proposed in my letter of the 11th instant, or in any other form upon which we may hereafter agree. I have the honour to be, with great respect, Sir, your most obedient humble servant, F. J. JACKSON.

*Inclosure in the above.*

"The President's Proclamation of July, 1807, prohibiting to British ships of war the entrance into the harbours of the United States, having been annulled, his Majesty is willing to restore the seamen taken out of the Chesapeake, on reserving to himself a right of claim, in a regular way, by application to the American Government, of the discharge of such of them (if any) as shall be proved to be either natural born subjects of his Majesty, or deserters from his Majesty's service. His Majesty is willing to make a provision for the families of such men, as were slain on board the Chesapeake in consequence of the unauthorized attack upon that frigate, provided that such bounty shall not be extended to the family of any man who shall have been either a natural born subject of his Majesty, or a deserter from his Majesty's service."

MR. SMITH TO MR. JACKSON.

Department of State, Nov. 1, 1809.

SIR; Your letter of the 23d ult. which was duly received, would have been sooner acknowledged, had I not by sickness been rendered for several days utterly unfit for business. Although the delay and the apparent reluctance in specifying the grounds of the disavowal of the arrangement with respect to the Orders in Council, do not correspond with the course of proceeding deemed most becoming the occasion; yet, as the explanation has at length been thus made, it only remains, as to that part of the disavowed arrangement, to regret that such considerations should have been allowed to outweigh the solid objections to the disavowal; It being understood at the same time, that his Brit-



tannic Majesty perseveres in requiring as indispensable conditions on the part of the United States, an entire relinquishment of the right to trade with enemies colonies, and also permission to the British navy to aid in executing a law of Congress; pretensions which cannot but render abortive all proposals whatever upon this subject, whether made by the United States or by his Britannic Majesty. Whilst you have deemed it proper to offer an explanation with respect to the disavowal of one part of the arrangement, I must remind you that there is not to be found in your letter any like specification of the reasons for the disavowal, nor particularly is it shown that instructions were violated, as to the other part, viz. the case of the Chesapeake—the case in which, in an especial manner, an explanation was required, and in which only you professed to have authority to make in this Government any overtures. For the first time it is now disclosed that the subjects, arranged with this Government by your predecessor, are held not to be within the authority of a Minister Plenipotentiary, and that not having had a full power distinct from that authority, his transactions on those subjects might of right be disavowed by his Government. This disclosure, so contrary to every antecedent supposition and just inference, gives a new aspect to this business. If the authority of your predecessor did not embrace the subjects in question, so as to bind his Government, it necessarily follows, that the only credentials yet presented by you, being the same as those presented by him, give you no authority to bind it; and that the exhibition of a full power for that purpose, such as you doubtless are furnished with, is become an indispensable preliminary to further negotiation; or to speak more strictly, was required in the first instance by the view of the matter now disclosed by you. Negotiation without this preliminary would not only be a departure from the principle of equality which is the essential basis of it, but would moreover be a disregard of the precautions and of the self-respect enjoined on the attention of the United States by the circumstances, which have hitherto taken place. I need scarcely add, that in the full power alluded to, as a preliminary to negotiation, is not intended to be included either the whole extent or any part of your instructions for the exercise of it. These of course as you have justly remarked, remain subject to your own

discretion. I abstain, Sir, from making any particular animadversions on several irrelevant and improper allusions in your letter not at all comporting with the professed disposition to adjust in an amicable manner the differences unhappily subsisting between the two countries. But it would be improper to conclude the few observations to which I purposely limit myself, without adverting to your repetition of a language implying a knowledge on the part of this Government that the instructions of your predecessor did not authorise the arrangement formed by him. After the explicit and peremptory asseveration that this Government had no such knowledge, and that with such a knowledge no such arrangement would have been entered into, the view which you have again presented of the subjects, makes it my duty to apprise you, that such insinuations are inadmissible in the intercourse of a foreign minister with a government that understands what it owes to itself.

I have the honour to be, &c.

(Signed) R. SMITH.

MR. JACKSON TO MR. SMITH.

*Washington, Nov. 4, 1809.*

SIR; When I forwarded to my Court your letter of the 19th ult. and the answer which I returned to it, I imagined, and I may add, I hoped, that the retrospective correspondence, into which you thought it necessary to enter with me, had been closed. You will, no doubt, recollect with what reluctance I acquiesced in your intimation on this head; not, as I believe has been seen, from any difficulty in maintaining the justice of the cause which is entrusted to me, but because I was and still am of opinion that this sort of correspondence is not calculated to remove differences and soothe the irritations of the most unfortunate tendency. As however, I had no choice but to renounce, for the present, the hope of effectuating this desirable object, or to pursue it in the manner prescribed in your letter of the 9th ult. so as I am now unwillingly compelled to enter upon the consideration of another letter from you under date of the 1st. instant, which but too strongly confirms the opinion I before entertained. Since, Sir, it has been judged expedient to confine to a written form this important and interesting discussion; since that more has been declared by you to be indispensable, I will first appeal to the written communica-



tion which have passed between us; and I do this with the greater satisfaction, because I consider it to be the chief cause of the present remarkable state of things, that of speaking of engagements contracted, or supposed to have been contracted, between the two countries, 'understandings' or implied engagements, have been allowed to take place of written compact, and have been considered, in some instances, as having the same validity. It is furthermore necessary to place in the most unequivocal light a topic, which I observe to be constantly and prominently re-stated in your letters, notwithstanding the repeated but, as it should seem, fruitless endeavours used in mine, to clear it from the slightest shadow of obscurity. You say, that it is understood that his Britannic Majesty perseveres in requiring, as indispensable conditions on the part of the United States, an entire relinquishment of the right to trade with the enemies' colonies, and also of permission to the British navy to aid in executing a Law of Congress. The same statement is contained in your letter of the 9th ult. and represented as the substance of what had fallen from me in our previous conferences. In my answer to that letter, I took the liberty of shewing that such a supposition was erroneous; and I have looked in vain to my letter of the 23d. to find in it any suggestion of a similar tenor. I believe, therefore, that by reference to my two letters you will find, that the statement now again brought forward is contained in neither of them; that it made no part of my previous conversation with you, and that I have in no way given room to suppose that I ever made any such statement at all. That before the Orders in Council can be revoked, their object must be obtained in some other way, is unquestionably true: but you may be assured, Sir, that there is no wish whatever entertained in England, that the British navy should be employed in executing a Law of Congress. If the proposal that was made upon that subject, and made as you now know, because it was believed to be acceptable here, had been adopted, and had become a matter of compact between the two countries and thereby a part, not of the Law of Congress, but of the public law binding upon both parties, and which both would have had a common interest in seeing duly executed; in that case the agency of the British navy would not have had the invidious aspect which is now attempted to be given to it. At present

there is no engagements between the two countries, no Laws of Congress which bear a reference to any such engagement, and consequently it cannot be wished to take any share whatever in the execution of those laws. In regard to the colonial trade, I need only observe, that all, or nearly all, the enemies colonies are blockaded by British squadrons: it cannot therefore be so much an object of solicitude as you imagine, to obtain the relinquishment of the trade of any country to those colonies. On the contrary, you will find it stated in my letter of the 11th ult. to be a matter of indifference whether the Order in Council, (on this subject) be continued or an arrangement by mutual consent substituted in its room. When I informed you that the agreement concluded here in April last, had been framed in deviation from the instructions given for the occasion, my explanation was intended to apply to both parts of that agreement. That nothing, required by the most scrupulous accuracy, may be wanting, I now add, that the deviation consisted in not recording in the official document signed here, the abrogation of the President's Proclamation of the 2d July, 1807, as well as the two reserves specified in the paper of Memoranda inclosed in my official letter to you of the 27th ult. There is another motive for the disavowal of this part of the arrangement considered to be so strong and so self-evident upon the very face of the transaction, that I am not commanded to do more than indicate it in the manner I have already done. By this forbearance his Majesty conceives that he is giving an additional pledge of his sincere disposition to maintain a good understanding with the United States.—I am somewhat at a loss to give a distinct reply to that part of your letter which relates to Mr. Erskine's authority to conclude with you, in virtue of his general letter of credence, because I do not very distinctly understand the tendency of it. I never before heard it doubted that a full power was requisite to enable a Minister to conclude a treaty, or that a mere general letter of credence was insufficient for that purpose.—If it were otherwise, and a Government were in all cases to be bound by the act, however unauthorized, of an accredited Minister, there would be no safety in the appointment of such a minister, and ratification would be useless. No full power was given in the present case, because it was not a treaty, but the materials for forming



a treaty, that was in contemplation.—In this dispatch of the 25d of January, Mr. Secretary Canning distinctly says to Mr. Erskine—"Upon receiving through you, on the part of the American Government, a distinct and official recognition of the three above-mentioned conditions, his Majesty will lose no time in sending to America a Minister fully empowered to consign them to a formal and regular treaty."—This Minister would, of course, have been provided with a full power; but Mr. Erskine was to be guided by his instructions, and had the agreement concluded here been conformable to them, it would without doubt have been ratified by his Majesty. I must beg your very particular attention to the circumstance, that his Majesty's ratification has been withheld, not because the agreement was concluded without a full power, but because it was altogether irreconcilable to the instructions on which it was professedly founded. The question of the full power was introduced by yourself to give weight, by a quotation from a highly respected author, to your complaint of the disavowal, in answer to which I observed, that the quotation did not apply, as Mr. Erskine had no full power. Never did I imagine, or any where attempt, to rest the right of the avowal upon that circumstance; indubitably his agreement would, nevertheless, have been ratified, had not the instructions, which in this case took the place of a full power been violated.—I am surprised at the transition by which it appears to you that this part of the subject is connected with the authority empowering me to negotiate with you. It will not, I dare say, have escaped your recollection that I informed you, at a very early period of our communications, that in addition to the usual credential letter, his Majesty had been pleased to invest me with a full power under the Great Seal of his kingdom, for the purpose of concluding a treaty or convention. I well remember your testifying your satisfaction at the circumstance, and I have now only to add, that I am ready, whenever it suits your convenience, to exchange my full power against that with which you shall be provided for the progress of our negotiation.—I am concerned, Sir, to be obliged a second time to appeal to those principles of public law, under the sanction and protection of which I was sent to this country. Where there is not freedom of communication in the form substituted

for the more usual one of verbal discussion, there can be little useful intercourse between Ministers; and one, at least, of the epithets which you thought proper to apply to my last letter, is such as necessarily abridges that freedom. That any thing therein contained may be irrelevant to the subject, it is, of course, competent in you to endeavour to shew; and as far as you succeed in so doing, in so far will my argument lose of its validity—but as to the propriety of my allusions, you must allow me to acknowledge only the decision of my own Sovereign, whose commands I obey, and to whom alone I consider myself responsible. Beyond this, it suffices that I do not deviate from the respect due to the Government, to which I am accredited.—You will find that in my correspondence with you, I have carefully avoided drawing conclusions, that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation, where I was unable to substantiate a fact. To facts, such as I have become acquainted with them, I have scrupulously adhered; and in so doing I must continue, whenever the good faith of his Majesty's Government is called in question, to vindicate its honour and dignity, in the manner that appears to me the best calculated for that purpose.—I have the honour to be, with great respect, Sir, your most obedient humble servant,  
F. J. JACKSON.

MR. SMITH TO MR. JACKSON.

*Department of State, Nov. 8, 1809.*

Sir;—In my letter of the 19th ult. I stated to you the declaration in your letter of the 11th, that the dispatch "from Mr. Canning to Mr. Erskine, of the 25d of January, was the only dispatch by which the conditions were prescribed to Mr. Erskine, for the conclusion of an arrangement on the matter to which it related, was then for the first time made to this Government." And it was added that if that dispatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it were the only ones on which he was authorised to make an arrangement the arrangement would not have been made.—In my letter of the 1st instant, adverted to the repetition in your letter of the 2d ult. of a language implying a knowledge in this Government that the instructions of your predecessor did not authorise the arrangement formed by him, an in-



timation was distinctly given to you that after the explicit and peremptory asseveration that this Government had not any such knowledge, and that with such a knowledge, such an arrangement would not have been made, no such insinuation could be admitted by this Government.—Finding that in your reply of the 4th inst. you have used a language which cannot be understood but as reiterating and even aggravating the same gross insinuation, it only remains, in order to preclude opportunities which are thus abused, to inform you that no further communications will be received from you, and that the necessity of this determination will, without delay, be made to your Government. In the mean time a ready attention will be given to any communication affecting the interests of the two nations, through any other channel that may be substituted.

I have the honour to be, &c.

(Signed)

R. SMITH.

Mr. Oakley, his Majesty's Secretary of Legation, is desired by Mr. Jackson to state to the Secretary of State, that, as Mr. Jackson has been already once most grossly insulted by the inhabitants of the town of Hampton, in the unprovoked language of abuse held by them to several Officers bearing the King's uniform, when those Officers were themselves violently assaulted, and put in imminent danger; he conceives it to be indispensable to the safety of himself, of the gentlemen attached to his mission, and of his family during the remainder of their stay in the United States, to be provided with special passports or safeguards from the American Government. This is the more necessary, since some of the newspapers of the United States are daily using a language, whose only tendency can be to excite the people to commit violence upon Mr. Jackson's person. In consequence, he requests that the undermentioned names may be inserted in the document to be furnished him. Francis James Jackson, Mrs. Jackson, their three children. Charles Oakley, esq. his Majesty's Secretary of Legation. Mr. George Outly, Private Secretary. Servants:—Robert Clavering, Francis Martin, William Attree, Charles Beecroft, Richard Lowe, John Price, John Lilly, James Wright, Amelia George, Mary Smith, Harriet Patten, Martha Wood, Frances Bracknell.

[Received at the Department of State, on Nov. 11, 1809.]

Mr. Oakley is desired by Mr. Jackson to say to the Secretary of State:—

That Mr. Jackson has seen with much regret, that facts which it has been his duty to state in his official correspondence, have been deemed by the American Government to afford a sufficient motive for breaking off an important negotiation, and for putting an end to all communication whatever with the Minister charged by his Sovereign with that negotiation, so interesting to both nations, and on one point of which an answer has not even been returned to an official and written overture.—One of the facts alluded to has been admitted by the Secretary of State himself in his letter of the 19th Oct. viz. that the three conditions forming the substance of Mr. Erskine's original instruction were submitted to him by that gentleman. The other, viz. that that instruction is the only one in which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it related, is known to Mr. Jackson by the instructions which he has himself received.—In stating these facts, and in adhering to them, as his duty imperiously enjoined him to do, Mr. Jackson could not imagine that offence would be taken at it by the American Government, as most certainly none could be intended on his part; but since he has been informed by the Secretary of State that no farther communications will be received from him, he conceives that he has no alternative that is consistent with what is due to the King's dignity, but to withdraw altogether from the seat of the American Government, and wait the arrival of his Majesty's commands upon the unlooked for turn which has thus been given to his affairs in this country.—Mr. Jackson means to make New-York the place of his residence.

Washington, Nov. 13, 1809.

MR. SMITH TO MR. PINKNEY.

Department of State, Nov. 23, 1809.

SIR—My letters in the correspondence with Mr. Jackson, already transmitted to you, sufficiently evince the disappointment that was felt, on finding that he had not been charged to make to this Government either the frank explanations or the liberal propositions, which the occasion manifestly required. Instead of this obvious course of proceeding, it was in the outset perceived that his object was to bring us to resume the subjects of the arrangements of April, in a way that would imply that



we were aware that the arrangement was not binding on his Government, because made with a knowledge on our part that Mr. Erskine had no authority to make it, and thus to convert the responsibility of his Government for the disavowal, into a reproach on this for its conduct in the transaction disavowed. In the first instance it was deemed best rather to repel his observations argumentatively, than to meet them as an offensive insinuation. This forbearance had not the expected effect of restraining him from a repetition of the offence; and even on his farther insinuations, nothing more was done than to premonish him of the inadmissibility of so indecorous a course of proceeding. This also being without effect, nothing remained but the step finally taken, and there was the less hesitation in shutting door to further opportunities for insulting insinuations, as the disclosures he had made, and the spirit of his discussions, had so entirely shut it to the hope of any favourable result from his mission.—I will not dwell on his reluctance to give up the uncertainties of verbal for the precision of written discussion; nor on the manner or the time of his denial that he had given any room at all for a statement, which, in order to guard against the misconceptions incident to verbal conferences, I had placed before him in writing, with a request that he would point out any inaccuracies, and to which he did not then object otherwise than by intimating, that he could not have made the statement with the particular view which seemed to be supposed. Nor will I dwell on the various instances in which partial or inconsistent views of the subject have taken place of its real merits. But it may not be amiss to make some observations on the correspondence, as it relates to the justification of his Government in having disavowed the act of his predecessor.—With respect to the Orders in Council, the ground of the disavowal is the difference between the arrangement and the printed dispatch of Mr. Canning to Mr. Erskine of the 22d January. According to this dispatch then, the arrangement failed in three points.—1st. In not relinquishing the trade of the United States with enemies colonies.—With respect to this point, it is not necessary at this time to discuss the right of that trade. It is sufficient to remark, 1st, that as the trade is admitted to have become, in the view of Great Britain, of little practical importance, why

has it been made a ground of the disavowal, and especially, as important considerations only could, upon principles of public law, have justified a measure of so serious a character? 2d, That as the colonial trade is a subject no wise connected either with the Orders in Council, or with the affair of the Chesapeake, why has it been permitted to frustrate an arrangement relating to those subjects; and to those only? 3d, That as this condition is allowed to have originated in a supposition, that it would be agreeable to the American Government, why has it been persisted in after the error was made known by the representation of Mr. Erskine to his Government, that neither this nor the other conditions of the dispatch of 23d January were attainable here?—2d. Another point in the dispatch, and not in the arrangement, is, that the British navy might capture our trade to ports prohibited by the United States.—This condition too appears to have had its origin in a mistake of your meaning in a conversation with Mr. Canning, as noted by yourself, and in an inference thence deduced as to the disposition of this government. But this double mistake must have been brought to light in time to have been corrected in the new mission. In urging it, Mr. Canning has taken a ground forbidden by those principles of decorum which regulate and mark the proceedings of Governments towards each other. In his dispatch the condition is stated to be for the purpose of securing the *bona fide* intention of America to prevent her citizens from trading with France and certain other powers. In other words, to secure a pledge to that effect against the *mala fide* intention of the United States. And this dispatch too was authorised to be communicated *in extenso* to the Government of which such language was used. Might it not have been reasonably expected that such a condition and such observations would at least, on such an occasion, have been given up by a Government, willing to smooth the way to an amicable settlement of existing differences? In his zeal to vindicate his government, Mr. Jackson too has attempted a gloss on this most extraordinary idea of calling on a foreign sovereignty, not indeed to make laws for us, but, what is equivalent in principle, to supply a supposed inability to execute them. He calls such an interposition of his Government not an execution of the law of Congress, but of compact binding



as a public law on both parties, and which both would have a common interest in seeing duly executed. On his own principle there ought to be a reciprocity, not only in the execution of the compact, but in the obligation and interest resulting from it. Besides, where there is a reciprocity in compacts between nations touching attributes of sovereignty there is always as much of sovereignty gained as is parted with, so that there be no loss nor indignity on either side.—3d. The remaining point in the dispatch, not secured by the arrangement, is that which required that whilst our prohibitory laws should be repealed as to Great Britain, they should be left in force as to France and the powers adopting or acting under her Decrees.—This is the condition which alone properly belongs to the subject; and it is to be remarked, in the first place, that the British project, of which this condition makes a part, contemplated two things in their nature incompatible; one, a repeal of the prohibitory acts as to Great Britain, without waiting for the conclusion of a regular treaty; the other a pledge, or engagement for their continuance as to the other powers. Now, from the nature of our Constitution, which, in this particular, ought to have been attended to by the British Government, it is manifest that the Executive authority could have given no such pledge, that the continuance of the Prohibitory Acts, being a subject of legislative consideration, could not have been provided for until the meeting of the Legislature, and that the condition could not, therefore, but have failed, either in the immediate renewal of commerce with Great Britain, or in the immediate engagement that it should not be renewed with France. The British Government ought to have acquiesced in, and indeed ought to have been satisfied with the attainment of the important object of an immediate repeal of our prohibitory laws; and with the consideration, that the other object, not immediately attainable, was unnecessary at the time, because the prohibition as to France was then in force, and because there was every reason to infer, not only from this fact, but from the spirit of the communications made from time to time, and from the overtures before submitted to the British Government, that, without a repeal of the French Decrees, our prohibitory laws would be continued in force against France, and especially in the case of a repeal of the British Orders, which

would necessarily render a continuance of the French Decrees doubly obnoxious.—But, if, on this head, doubts could have been entertained, instead of rejecting the arrangement, ought not the Repealing Act on our part to have been met with a suspension, at least, of the Orders in Council, until it could have been seen whether the Non-intercourse Law would or would not have been continued against France? Such a suspension could not have given, in any point of view, more advantage to the United States, than was given to Great Britain by the repeal, which had taken place on their part.—If this reasonable course could not have been substituted for the disavowal, why was not a final disavowal suspended with a proposition, that the arrangement would be executed by Great Britain in the event of a compliance on the part of the United States with the condition required as to France?—I am not unaware, you may be told, that the Non-intercourse law of the United States did not extend to Holland, though so intimately connected with France, and so subservient to her Decrees against neutral commerce. — It would not be improper on this occasion to observe, that this objection can be the less urged by Great Britain, as she has herself never in her alledged retaliations adhered to her principles on which they were founded—Thus she has, from the date of them, until very lately, directed them against the American trade even to Russia, although Russia had never adopted the French Decrees, nor otherwise violated our neutral trade with Great Britain. So, in her Order of April last, she has discriminated, not only between the countries devoted to France by the ties of blood, and other powers, but between Holland, Westphalia, and Naples, in enforcing her prohibitory Order against the first and not the two last. Whilst, therefore, she finds it expedient to make these distinctions, she ought to presume, that we, too, may perceive equal propriety in the distinctions we have made.—But it may be of more importance here to compare the British Order in Council of April last, with the arrangement of April, made by Mr. Erskine. It will thence be seen how little is the real difference, and how trivial it is when compared to the extensive and serious consequences of the disavowal.—Under the Order in Council of April, all the ports of Europe, except France, including the kingdoms of Italy and Holland with their dependencies,



are opened to our commerce.—Under the arrangement of April, combined with our Act of Non-intercourse, all the ports of Europe, except France and her dependencies, including the kingdom of Italy, would have been opened to our commerce.—The difference then is reduced merely to Holland, and that again is reduced to the difference between a direct trade to the ports of Holland, and an indirect trade to Holland, through Tonningen, Hamburg, Bremen, and Embden.—Now, as the injuring of the enemies of Great Britain is the only avowed object of her interdicting Order against our trade, let a computation be made of the effect which this difference between the Order in Council and the arrangement could possibly have in producing such an injury. And then let the question be candidly answered, whether, laying aside all considerations of right and justice, sufficient inducement could have been found in that result for rejecting the arrangement, and for producing the consequent embarrassments, as well to Great Britain as to the United States.—If it be necessary, as Mr. Jackson has stated, to set bounds to a spirit of encroachment and universal dominion, which would bind all things to its own standard, and to falsify by honourable and manly resistance, an annunciation that all Europe is submitting by degrees, effort must be feeble, indeed, which is to be found in the inconvenience accruing to the formidable foe from the operation of this Order in Council; and especially when we combine with it the strange phenomenon of substituting for the lawful trade of the United States a trade of British subjects, contrary to the laws of the adverse party, and amounting, without a special licence, in the eye of British law, to high treason.

Thus much for the Orders in Council. What has taken place with respect to the Chesapeake will equally engage your attention. You will perceive, that throughout the early stages of the correspondence, this case was, in some respects, improperly confounded with, in others improperly separated from, that of the Orders in Council; and particularly that pains had been taken by Mr. Jackson to substitute verbal and vague observations on the disavowal of this part of the arrangement, for an explicit and formal explanation, such as was obviously due. It will be seen also, that, when finally brought to the point, he referred for a justification of the disavowal

to the departure of Mr. Erskine from his instructions, without shewing what those instructions were, and to allusions to an expression in the arrangement, without giving to his meaning the distinctness prerequisite to a just reply. It appears, however, that he lays great stress on the proposal enclosed in his letter of the 27th October, as at once indicating the departure of Mr. Erskine from his instructions; and as containing the conditions on the basis of which he was ready to enter on an adjustment. And from a note from the Secretary of the British Legation, it appears that he has complained of not having received an answer to his proposal, as he had before complained that no answer had been given to his verbal disclosure on this head in his interviews with me. With respect to his intimations in conversation, as they were preceded by no proper assignment of the reasons for not having executed the original adjustment: it cannot be necessary to remark, that no such notice, as he wished to obtain, could, with any sort of propriety, have been taken of them. With respect to his written project, it will suffice to remark, 1st, That besides his reluctant and indistinct explanation of the disavowal of the original adjustment, he did not present his proposal until he had made such progress in his offensive insinuation as made it proper to wait the issue of the reply about to be given to it; and that this issue had necessarily put a stop to further communications. 2dly, That although he had given us to understand that the ordinary credentials, such alone as he had delivered, could not bind his Government in such a case, his proposal had neither been preceded by nor accompanied with the exhibition of other commission or full power: Nor, indeed, has he ever given sufficient reason to suppose that he had any such full power to exhibit in relation to this particular case. It is true, that in his letter of the 23d of October, he had stated an authority eventually to conclude a convention between the two countries. Without adverting to the ambiguity of the term 'eventually' with the mark of emphasis attached to it, and to other uncertainties in the phraseology, it is clear that the authority referred to, whatever it may be, is derived from instructions subject to his own discretion, and not from a patent commission, such as might be properly called for. It is true also that in his letter of the 4th of November, subsequent to his proposal: he says he was possessed



of a full power in due form for the express purpose of concluding a Treaty or Convention.—But it still remains uncertain, whether by the Treaty or Convention to which it related was not meant an eventual or provisional Treaty on the general relations between the two countries, without any reference to the case of the Chesapeake.—Certain it is that the British government, in former like case, as will be seen by the adjustment of that part of the affair at Nootka Sound, which is analogous to this case, did not consider any such distinct full power as necessary; nor is there the slightest ground for supposing that Mr. Erskine, although confessedly instructed to adjust this very case of the Chesapeake, was furnished with any authority distinct from his credential letter. That Mr. Jackson has any such commission is the less to be supposed, as it is but barely possible, that possessing it, he should not, on some occasion, or in some form, have used a language susceptible of no possible doubt on this point.—But proceeding to the proposal itself, it is to be kept in mind, that the conditions forming its basis are the very conditions for the deviating from which Mr. Erskine's adjustment was disavowed. Mr. Jackson, if not on others, is on this point explicit. "I now add (says he) that the deviation consisted in not recording in the official document signed here the abrogation of the President's proclamation of the 2d July, 1807, as well as the two reserves specified in the paper of memoranda enclosed in my official letter to you of the 27th ult."—Considering then the conditions in the proposal as an ultimatum, in what light are we compelled to view such an attempt to repair the outrage committed on the frigate Chesapeake, and to heal the disappointment produced by a disavowal of a previous equitable reparation?—It is impossible on such an occasion not to recal the circumstances which constituted the character of the outrage to which such an ultimatum is now applied. A national ship proceeding on an important service, was watched by a superior naval force, enjoying at the time the hospitality of our ports, was followed, and scarcely out of our waters when she was, after an insulting summons, attacked in a hostile manner, and the ship so injured as to require ex-

pensive repairs, the expedition frustrated, a number of the crew killed and wounded, several carried into captivity, and one of them put to death under a military sentence. The three seamen, though American citizens, and therefore on every supposition detained as wrongfully as the ship would have been detained, have, notwithstanding, remained in captivity between two and three years; and it may be added, after it has long ceased to be denied, that they are American citizens.—Under these circumstances we are called upon to ransom the captives.

1st. By acknowledging that a precautionary proclamation, justified by events preceding the outrage, by the outrage itself, and by what immediately followed it, was unjustifiable, and that a repeal of it was properly a condition precedent to a reparation for the outrage. And this requisition is repeated too, after such an acknowledgment had been uniformly asserted by this Government to be utterly inadmissible, and, what is particularly remarkable, at a time when the proclamation, as is well understood, was no longer in force. The occasion obviously invited a silent assumption of the existing fact, and this would have excluded the difficulty heretofore found to be insuperable.—2d. By throwing into complete oblivion the conduct of the officer answerable for the murderous transaction, with a knowledge, too, on our part, that instead of being punished, or even brought to trial, he has been honoured by his Government with a new and more important command.—3d. By admitting a right on the part of Great Britain to claim a discharge from our service of deserters generally, and particularly of her natural born subjects, without excepting such as had been naturalized in due form under the laws of the United States.—It has not been explained, whether it was meant, as the universality of the term "deserter" would import, to include American citizens who might have left the British service.—But what possible consideration could have induced the British Government to expect that the United States could admit a principle that could deprive our naturalized citizens of the legal privileges which they hold in common with their native fellow-citizens?

(To be continued.)